
Appeal Decision

Site visit made on 21 January 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/J2210/W/19/3237912

Hoath Farm, Bekesbourne Lane, Canterbury CT3 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Graham Oates Associates against the decision of Canterbury City Council.
 - The application Ref 19/00182, dated 30 January 2019, was refused by notice dated 1 May 2019.
 - The development proposed is the erection of two detached dwellings, with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings, with associated parking and landscaping at Hoath Farm, Bekesbourne Lane, Canterbury CT3 4AB in accordance with the terms of the application, Ref 19/00182, dated 30 January 2019 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the appeal site is a sustainable location for new housing development, having regard to policies on the location of housing; and
 - the effect of the proposed development on the character and appearance of the surrounding area, including the setting of nearby Grade 2 Listed Buildings.

Reasons

Location of the proposed development

3. The appeal site is located to the rear of Hoath Farm, which is to the east of Canterbury. Hoath Farm is a historic farmstead that comprises 2 main farmhouses and a number of buildings of agricultural appearance that now appear to be mostly residential in use. Hoath Farm and the appeal site share a main access from Bekesbourne Lane. In addition to the dwellings on Hoath Farm, there are other residential properties nearby along Bekesbourne Lane.

4. At the end closest to the Hoath Farm farmstead, the appeal site is occupied by 2 of 3 large commercial buildings that are currently being demolished following enforcement action. The existing buildings have the appearance and scale of modern agricultural buildings. Beyond these buildings, the appeal site is open and becomes narrower. Recent history indicates that the appeal site has been in use for B1 (office) and B8 (storage and distribution) purposes. Open countryside, predominantly agricultural in appearance, lies beyond Hoath Farm and the appeal site.
5. The proposed development would introduce 2 detached dwellings to the appeal site, with associated access and landscaping. The new dwellings would be single storey but have a large roof space that would also provide living accommodation. The proposed development has been designed to give the new dwellings a traditional agricultural appearance consistent with some of the buildings on the Hoath Farm farmstead.
6. Policy SP4 of the Canterbury District Local Plan sets out the strategic approach that will be taken to the location of new housing development. The appeal site is not located within an urban area, rural service centre, local centre, village, or hamlet as defined in the plan. I also do not have arguments before me to suggest that the proposed development is required for agricultural or forestry purposes. As such, the proposed development would fall outside of the requirements of SP4.
7. In terms of the location of the appeal site, it is noted that there is no access to day to day amenities such as shops in the immediate vicinity and that public transport is not provided along Bekesbourne Lane. Bekesbourne Lane is a narrow country road, and for the most part has no footway or street lighting. There is a footpath network to the rear of the appeal site that leads to Littlebourne Road, which provides access to some local amenities and is on a bus route. The condition of the footpaths is variable and is likely to be quite muddy in places following inclement weather. The footpaths are also mostly unlit.
8. In light of the factors described above, the occupiers of the proposed development are likely to be reliant on the private motor car to access local services. The appellant has offered to mitigate the impact of this by proposing to install electric vehicle charging points, which is beneficial to a degree and weighs in favour of the development. However, overall I conclude that the location of the proposed development would conflict with Policy SP4 in terms of ensuring that housing is provided in sustainable locations.
9. As such, none of the locational factors offered lead me to conclude that an exception to policy SP4 is justified on the grounds that the appeal site is a sustainable location for housing.

Character and appearance

10. The appeal site is located to the rear of Hoath Farm. The farmstead is typical of many historic farms, and features a core made up of the main farmhouses and then a range of buildings of agricultural appearance, many of which have now been converted to, or built as replacements for, dwellings.

11. Within the farmstead there are 3 Grade II Listed Buildings. Hoath House and Orchard House are adjacent to Bekesbourne Lane and are 18th century houses. These buildings are located away from the appeal site. The third Listed Building is known as Highlands and is located towards the rear of the farmstead. Highlands is a timber framed building, has features consistent with a traditional barn, and is supported by a range of curtilage Listed Buildings that exhibit similar features. As a result of its position to the rear of the farmstead, Highlands and its curtilage buildings have a closer visual link with the appeal site.
12. The proposed development takes many of its design cues from the buildings on the farmstead that are of traditional agricultural appearance. The position and orientation of the proposed dwellings has been designed to create a strong visual link with the farmstead. In addition, the form and materials would have similar features to Taylors Barn which sits immediately adjacent to the appeal site, including use of boarding and reclaimed roof tiles. In this regard the proposed development has been carefully designed to fit in with the character and appearance of the farmstead, is based on a logical and well articulated understanding of the immediate context, and exhibits a high standard of design.
13. The 2 dwellings proposed by the appeal would effectively extend the farmstead into the appeal site, with a degree of consequent encroachment towards the open countryside resulting. However, it is noted that the appeal site has a long history of being occupied by built forms. Structures built on the approximate footprints of the existing buildings are thought to have occupied part of the appeal site since the 1960s. In more recent times the site has been used for non-agricultural commercial purposes.
14. The activities described above have fundamentally altered the character and appearance of the appeal site and its immediate setting. As a result, the appeal site does not serve as a natural and beneficial transition towards the open countryside and instead strikes a confusing relationship that is consistent with neither the Hoath Farm farmstead nor the open countryside. This detracts from the character and appearance of the area, including the setting of the Listed Building known as Highlands and its curtilage listed structures.
15. In light of the above, I do not conclude that the degree of encroachment on the open countryside would be harmful. Re-use of the site for small scale residential purposes, limited in scale to the 2 dwellings proposed, offers an opportunity to achieve a better relationship between the farmstead and the open countryside, and achieve a more logical transition between the 2 spaces that would enhance the immediate setting.
16. Concerns about cultivation and the use of gardens impacting on the rural setting are noted. However, these concerns could be overcome through a sensitively designed landscaping scheme that, in particular, ensures appropriate planting in the area furthest away from the farmstead.
17. Whilst not within a settlement as defined in the Local Plan, as the new dwellings would be physically and functionally closely linked to the existing farmstead, they cannot be regarded as creating isolated homes in the countryside in the sense given in paragraph 79 of the National Planning Policy Framework (the Framework).

18. It is noted that the 2 large commercial buildings that currently occupy the appeal site are being demolished in connection with enforcement action. I do not have any detailed evidence before me that sets out the precise extent of demolition that is to take place in order to rectify the enforcement issues. I also have limited evidence about the likely future use of the appeal site should this appeal be dismissed. I have therefore given limited weight to the benefits, or otherwise, of any potential fallback position.
19. My attention is also drawn to previous appeal decisions relating to the site. These decisions have been considered, but can be distinguished from the proposed development. In particular, previous appeal decisions concerned the conversion and extension of modern large scale commercial buildings to 8 new residential units. The scale and nature of the previous appeal proposal is fundamentally different. My primary assessment has been made based on the merits of the proposed development. In particular, it is noted that previous appeal decisions raised concerns about introducing 8 new dwellings to Hoath Farm and the impact that would have on the character of the farmstead. The proposed development is of a significantly lesser scale, limited to 2 dwellings. The new build dwellings offered by the proposed development also offer the opportunity for enhancements to strike a better relationship between the farmstead and open countryside, as opposed to the conversions in previous proposals.
20. I have also considered arguments about whether policy HD4(c) of the Canterbury District Local Plan applies to the proposed development. This policy is concerned with the re-use of redundant or disused buildings where such re-use would lead to an enhancement of the immediate setting. As the existing buildings on the site are currently being demolished they should by definition be regarded as disused. However, as the appeal proposes the replacement rather than re-use of the building, I cannot conclude that policy HD4(c) justifies specific application. Nevertheless, I conclude elsewhere that the proposed development would lead to an enhancement of the immediate setting, which is consistent with the general aims of HD4(c)
21. For the reasons discussed above, I conclude that the proposed development would have a positive effect on the character and appearance of the surrounding area and would enhance the setting of nearby Grade 2 Listed Buildings. Consequently, I find the proposed development to be consistent with policy DBE3 of the Canterbury District Local Plan which seeks to achieve a high quality of design and encourage development of a distinctive character, diversity and quality that reinforces and positively contributes to the local context.

Other matters

22. I have noted evidence regarding the ability of the Council to demonstrate a 5 year housing land supply. Given the conclusions reached above, it is not necessary for me to conclude on whether the Council can, or cannot, demonstrate a 5 year housing land supply. It is however noted that the proposed development would make a modest contribution to housing supply overall, which is beneficial.

23. My attention has been drawn to other housing developments that are thought to have been granted planning permission and are within the vicinity of the appeal site. I have limited information before me about these developments and the circumstances that may have led to planning permission being given. As such, I have not given weight to the presence or otherwise of planning permission for other housing developments.
24. A number of representations from other parties were submitted in response to the planning application and this appeal. Representations on the planning application were considered when the Council made their decision and have been considered again as part of this appeal. Concerns from nearby residents about the impact that vehicular and other movements between the appeal site and Bekesbourne Lane are noted. As these concerns are linked to how the site has operated in the past I give these issues limited weight. Given the nature of the site and access, it is possible that a commercial activity of an appropriate scale could operate from the site without unreasonably impacting on the living conditions of nearby occupants.

Planning balance

25. To reach a conclusion on this appeal it is necessary to consider the extent of the conflict resulting from the location of the proposed development with the requirements of SP4 of the Canterbury District Local Plan and weigh them against the positive effects described above on the character and appearance and the setting of nearby Listed Buildings.
26. The justification for following the sequential approach to new housing development set out in SP4 is centred on encouraging new development in sustainable locations. As discussed above, whilst not in a defined settlement, the proposed development would not be considered to give rise to isolated homes in the countryside as it would be closely linked to the dwellings that form part of the existing farmstead. It is also acknowledged that a small residential development limited to 2 dwellings has the potential to provide additional residents that could contribute to the vitality and vibrancy of the area and make a small contribution to overall housing supply without harming the overall character of the area.
27. The primary conflict with the aims of SP4 is linked to the likely reliance that occupiers of the proposed development would have on use of the private motor car. Notwithstanding this conflict, I give particular weight to the positive contribution that the proposed development would make in terms of enhancing the immediate setting of both the Hoath Farm farmstead and the open countryside. I also attach weight to the desirability of enhancing the setting of the Listed Building known as Highlands, and its curtilage listed structures, that are close to the appeal site.
28. For the reasons discussed above, and on balance, I conclude that the positive effects described above on the character and appearance of the surrounding area, and the enhancements to the setting of nearby Listed Buildings, outweighs the policy conflict with SP4 of the Canterbury District Local Plan and that the development otherwise accords with the Local Plan when taken as a whole.

Conditions

29. I have considered the Councils suggested conditions against the tests in paragraph 55 of the Framework and accompanying national guidance.
30. I am including a condition that specifies the plans that form part of the planning permission granted in the interests of clarity.
31. A condition is imposed relating to details of a means of foul and surface water disposal, including a sustainable surface water drainage scheme, in the interests of ensuring adequate drainage. This is worded as a pre-commencement condition as the details will need to be agreed before ground works have commenced and the works cannot be retrofitted at a later stage. I am including a condition requiring the parking and turning areas shown on the plan to be operational prior to use or occupation in the interests of highway safety.
32. I am including conditions requiring submission and approval of hard and soft landscaping details and their maintenance in the interests of preserving the character and appearance of the area, the setting of the Listed Buildings, and integrating the proposed development into the surroundings.
33. The conditions above mostly follow the wording suggested by the Council, but have been amended slightly to improve legibility.

Conclusion

34. For the above reasons, and taking account of other matters raised in the appeal, the appeal is allowed and planning permission is granted for the proposed development, subject to the conditions set out in the attached schedule.

D.R. McCreery

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby approved shall be carried out in accordance with the submitted drawings: 228/01, 228/03, 228/04, 228/05, 228/06, 228/07, 228/08, 228/09, 228/10.

3. No development shall take place until details of the means of foul and surface water disposal, including a detailed sustainable surface water drainage scheme for the site, shall be submitted to and approved in writing by the local planning authority. The details shall be compliant with the non-statutory technical standards for sustainable drainage and shall demonstrate the surface water run off generated up to and including the 100yr critical storm (including allowance for climate change) will not exceed the run off from the undeveloped site following the corresponding rainfall event, and so as not to increase the risk of flooding both on- or off-site, and including details for the long term maintenance of all surface water drainage infrastructure on site, and including the provision of measures to prevent the discharge of surface water onto the highway. The development shall not be occupied or used until the work has been carried out in accordance with the details agreed and shall be maintained as such thereafter.

4. Prior to the first occupation or use of the development, the area shown on the plans for the parking and manoeuvring of vehicles shall be operational and shall be thereafter maintained for that purpose.

5. Prior to landscaping of the site, full details of both hard and soft landscape works, including:

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted;
 - the treatment proposed for all hard surfaced areas;
- and,
- walls, fences, and other means of enclosure

shall be submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details prior to first occupation or use of the development and shall be maintained thereafter, unless otherwise approved in writing by the local planning authority.

6. Any trees or plants approved under condition 5 which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved in writing by the local planning authority.