

Appeal Decision

Site visit made on 20 August 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/J2210/W/20/3250520

Land south of Denstead Cottages, Denstead Lane, Chartham Hatch, Kent CT4 7NL

- 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 Ms P Watts against the decision of Canterbury City Council.
 - The application Ref 19/02025, dated 10 October 2019, was refused by notice dated 9 December 2019.
 - The development proposed was initially described as "Tourism development comprising of one number holiday let."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which replicates that which was used by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - Whether the site is a suitable location for tourist accommodation with particular regard to the accessibility of services and facilities and the effect on the character and appearance of the site and the surrounding area.
 - The effect of the development on highway safety.

Reasons

Suitability of Location

4. Although the address of the site reflects the location of the site being within the vicinity of the settlement of Chartham Hatch, the site is remote from that hamlet. Therefore, in relation to the terms contained within Policy SP4 of the Canterbury District Local Plan 2017 (The CDLP), the site falls within the open countryside. Policy SP4 sets out a strategic approach towards locating development and states that development for agriculture and forestry purposes will be permitted in the open countryside.

5. However, subject to proposals not having an adverse effect on the open character of the area, Policies TV7 and TV8 of The CDLP allow for new development to provide tourist accommodation and rural diversification and the promotion of tourism where jobs are created. These policies are generally consistent with paragraph 83 of the National Planning Policy Framework (The Framework) which enables sustainable rural tourism which respects the character of the countryside. Although Policy TV8 also states that new development should be related to an existing settlement, this limitation specifically applies to tourism attractions and facilities which, in the terminology used within the policy, are distinct from tourist accommodation. As such, my interpretation of Policy TV8 is that it does not require new tourist accommodation to be related to an existing settlement.
6. However, Policy TV8 requires accessibility by a range of modes of transport to have been considered and, in this regard, the proposal would be poorly located as it would be remote from all services and facilities, including those within Chartham Hatch and Dunkirk. Although the appellant has identified that bus and train services would be available to the users of the proposed development, no evidence has been provided of the adequacy of those services and it has not been demonstrated that they are within sufficient proximity of the site to be conveniently usable. Moreover, the absence of footpaths and streetlights within the vicinity of the site would be likely to discourage pedestrian and cycle movements. Consequently, it is likely that users of the proposed tourist accommodation would be reliant on the car to access services and facilities.
7. The appeal site consists of undeveloped land in a rural setting that is dominated by fields that are bordered by hedges. Built form within the locality is sporadic but includes Denstead Cottages, which are a loosely grouped cluster of semi-detached dwellings, and Denstead Oast which has been converted to form dwellinghouses. However, that built form represents a minor incursion into the rural setting. The large plot adjacent to the appeal site that contains the dwelling of 1 Denstead Cottage also features outbuildings, one of which is identified on the submitted plans as an existing holiday let.
8. In this context, even though the proposed holiday let building would be of similar scale and appearance as the building at the neighbouring site, the development would represent the sprawl of built form beyond the cluster of properties and outbuildings at Denstead Cottages. This would have the effect of extending the group of buildings into an area that is currently undeveloped and, as such, the proposal would erode the rural character of the countryside. The Framework requires that the intrinsic character and beauty of the countryside is recognised and that development should be sympathetic to local character and the landscape setting. In this regard, whilst I recognise that the appellant has identified that the site is outside the Kent Downs Area of Outstanding Natural Beauty and is therefore afforded less protection than sites falling within that designation, the proposal would cause harm to the rural character of the area in a manner that does not accord with the aims of The Framework.
9. Although The CDLP supports the provision of tourist accommodation, compelling evidence of the need for further accommodation at this site has not accompanied the appeal and I have no basis to conclude that any need that exists could not be met in a more suitable location or in a manner that does not have the same effect on the rural character of the countryside. Therefore, whilst the appellant has suggested that there is demand for the proposed accommodation, which I recognise would be designed to serve those with restricted mobility, these factors do not lead me to assess the above matters differently.

10. The appellant has also identified that the proposal represents a form of investment and would lead to the creation of income that would support local services. It has also been identified that the proposal would support the creation of jobs and therefore accords with Policy TV7 of The CDLP. However, as the proposal relates to a single holiday let, the benefits arising in these respects are likely to be limited and, as such, do not lead me to reach a different conclusion in respect of the acceptability of the location for the type of development proposed in the context of the other policies of The CDLP that are set out above.
11. For these reasons, the site is not a suitable location for tourist accommodation with particular regard to the accessibility of services and facilities and the effect on the character and appearance of the site and the surrounding area. The proposal would, therefore, be contrary to policies SP4 and TV8 of The CDLP which, in combination, create a strategic approach to the locating of development, seek to enable developments to be accessible by a range of transport modes and seek to avoid development having an adverse effect on the open character of the area in which it is located. The proposal would also fail to accord with the abovementioned section of The Framework which requires that rural tourism developments respect the character of the countryside. In turn, this leads me to conclude that the proposal would also conflict with Policy SP1 of The CDLP.
12. Whilst the appellant has identified that Policy HD4 of The CDLP allows for new dwellings to be built in the countryside in certain circumstances, as this proposal relates to tourist accommodation rather than a dwellinghouse, I do not find that policy to be determinative. In any event, as the proposed building would be similar to the existing nearby holiday let, I have no basis to conclude that the design of the proposal is of exceptional quality or of an innovative nature to the extent that the exception contained within Policy HD4 would be applicable.

Highway Safety

13. Denstead Lane is a lengthy road that connects the settlement of Chartham Hatch with the A2. The road is narrow at points, has some minor bends and is aligned with vegetation and verges, some of which are raised, that reflect the rural location. The plans submitted with the application show that the site would be accessed from the part of the site frontage that is furthest from Denstead Cottages with the adjacent section of hedge, which is partly on land within the appeal site and partly on other land that is within the appellant's control, being realigned. The evidence before me indicates that Denstead Road is a classified road and that the speed limit is derestricted.
14. The plans upon which the Council reached their decision showed that short visibility splays would be able to be provided. However, an amended plan has accompanied the appeal which indicates that longer visibility splays would be achievable. Even if I have regard to the longer visibility splays shown on the amended plan, there are sections of the road where the bend of the road would prevent on-coming traffic being visible if the intervening land, which is outside the appellant's control, contained vegetation or other such obstructions to visibility. Therefore, even though parts of the road would be clearly visible, the evidence before me does not indicate that sufficient visibility would be able to be provided in both directions to ensure that highway safety would not be affected by the proposed development.
15. Whilst the main parties disagree over the extent of visibility that should be provided, I have no basis to conclude that the standards that have been identified by the appellant are applicable in this area. Moreover, in the absence of any evidence to demonstrate that the actual speed of traffic using the road is lower than the authorised speed limit, I have no basis to conclude that this is grounds to

consider a reduction of visibility standard from those suggested by the Council. As such, the evidence before me does not give me reason to reach a different conclusion in respect of the adequacy of the visibility that would serve the proposed vehicular access.

16. For this reason, the proposal would have an unacceptable effect on highway safety. The development would, therefore, be contrary to Policy DBE3 of the CDLP which requires that consideration is given to the safe movement of pedestrians, cyclists and cars and that development does not have a detrimental effect on highway safety. The proposal would also fail to accord with paragraph 108 of The Framework which requires that safe and suitable access to the site can be achieved for all users.
17. I have no basis to conclude that the number of car parking spaces provided would not be adequate to serve the proposed development and, as such, the proposed parking provision would accord with Policy T9 of The CDLP. This does not, however, alter my assessment in relation to the adequacy of the access to those parking spaces.

Other Matters

18. The positioning of the building away from all other dwellings would ensure that the proposal would not have a harmful effect on the living conditions within any nearby dwellings and, therefore, would comply with the part of Policy DBE3 of the CDLP that addresses that matter. However, the development being acceptable in this respect does not alter my assessment of the effect of the development in terms of the main issues that are set out above, including those parts of Policy DBE3 of the CDLP that the proposal would not comply with.
19. The appellant has identified that the proposed replacement planting at the frontage of the site, along with additional planting at the other boundaries, would increase the extent of habitat for various species and accord with Policy LB10 of the CDLP. However, in the absence of a detailed landscape plan it is not possible to be certain of the extent to which the proposal would represent a net gain in terms of biodiversity. In any case, given that the abovementioned policy and paragraph 170 of The Framework seek net gains in terms of biodiversity in all cases, any improvements at the site in this regard would not be reason to reach a different conclusion in respect of the main issues.
20. Similarly, although it has been indicated that the proposal would include features that constitute sustainable design and construction, thereby reflecting the aims of Policy DBE1 of The CDLP, limited details of the measures that would be included have been provided and, as such, it is not possible to conclude that this constitutes a benefit of the proposal to a greater extent than what would be expected under the terms of the abovementioned policy. As such, this factor does not alter my assessment in respect of the main issues.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR