



Appeal Decision

Site visit made on 24 August 2020

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2020

Appeal Ref: APP/J2210/D/20/3249505

The Old Saw Mill, Mill House, Woodgate, Bishopbourne, CT4 5JL

- 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 Mr N Blanks against the decision of Canterbury City Council.
 - The application Ref CA/19/10371, dated 18 December 2019, was refused by notice dated 17 March 2020.
 - The development proposed is described as '*erection of sliding gate and support arches to rear of existing 'five-barred' entry gate from Woodgate*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of sliding gate and support arches to rear of existing 'five-barred' entry gate from Woodgate at The Old Saw Mill, Mill House, Woodgate, Bishopbourne, CT4 5JL in accordance with the terms of the application, Ref CA/19/10371, dated 18 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1. 1:1250 scale OS Location Plan 2629-01 A 2. 1:100 block plan and Elevation Plan bbbp/16/0119/2/01.

Procedural Matters

2. The Local Planning Authority's decision notice refers to harm to a 'Special Landscape Area' as does an earlier appeal decision. However, the Officer's report and the Policies cited only refer to the nationally designated Area of Outstanding Natural Beauty (AONB) and the locally designated Area of High Landscape Value (AHLV). I have proceeded on the basis that the proposal should be considered against these designations.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the locality, including its location within an AONB and the AHLV designation.

Reasons

4. The appeal site is located adjacent to the highway called 'Woodgate' and is located on a narrow country lane. To the front of the site facing Woodgate is a roughly 1.8 metre high close boarded fencing, with two short walls and two five-bar style gates at the access point from the highway.

5. The proposal seeks the insertion of a sliding gate with support arches to the rear of the five-barred entry gates. The proposed sliding gate would be roughly 2.3 metres in height, with the base being set off the ground by roughly 200mm. The gate would be set within metal square frame of around 2.7 metres in height.
6. Having visited the appeal site, it is clear that views to the site entrance are limited within the wider landscape. Indeed, it is only when you are in the immediate vicinity of the entrance to the appeal site that you are able to see the location of the proposed sliding gate. Due to the height of the gate and its supporting metal frames, they would be visible from the highway and above the existing close boarded fencing along the boundary of the site. However, it is clear that the visibility of the proposed sliding gate would be within the context of the existing boundary treatment of a relatively low brick wall and close board fencing.
7. Whilst located within a rural location, the sliding gate would be interpreted in the context of an established small cluster of dwellings (comprising Mill House, Gorsely Lodge and Langham Park Lodge as shown on the submitted Location Plan), together with the existing boundary treatment of timber fences and low brick walls. The gate and its supporting features would be clearly associated with an existing and established access. In this context, I find that the erection of a timber sliding gate, with very limited visibility within the wider landscape, would not have an adverse impact on the Kent Downs AONB, the AHLV, or the rural character of the area.
8. I note that in 2016 and 2017 planning permission was refused (ref 16/02455) and an appeal dismissed (Ref 3165792) for '*modification and retention of gated entry and wing walls*'. I have not been provided with the full details of that proposal. Nonetheless, the Appellant has confirmed that the sliding gate to be used is that which permission was not forthcoming in 2016-17. However, paragraph 3 of the Inspector's decision indicates that that proposal sought not only the erection of the sliding gate, but also the retention of roadside brick piers around 2.35 metres in height and associated wing-walling to around 2 metres in height.
9. The proposal before me is clear in that permission is sought for the sliding gate and gate arches rather than any brick piers or walls; as shown on submitted drawing bbb/16/0119/2/01. I have proceeded on this basis and find that the proposal would not harm the Kent Downs AONB, the AHLV nor on the rural character of the area more generally.
10. Accordingly, the proposal would accord with policies DBE3, DBE6, LB1 and LB2 of the *Canterbury District Local Plan 2017* which, amongst other aims, seek to that proposals will not have any significant impact on landscape setting or designations such as the AONB and AHLV. For similar reasons it would accord with the requirement of the National Planning Policy Framework (the Framework) which includes at Paragraph 172 to give great weight to conserving and enhancing the landscape and scenic beauty in the AONB.

Other Matters

11. I note the concerns raised by the Parish Council in terms of security of the appeal site, and that the gate proposed might increase the risk of unauthorised

access into the site. However, it is clear from representations made by nearby residents that there have been some crimes nearby involving burglaries.

12. The Framework is clear at Paragraph 127 in that planning decisions should create places that are safe and where the fear of crime does not undermine the quality of life or community cohesion. In this case, the Appellant considers that the proposal would help reduce the fear of crime in what is a relatively isolated location in terms of access to local police services. In this respect, the proposal would accord with these aims of the Framework.

Conditions

13. I have considered the suggested conditions in light of Paragraph 55 of the Framework and the national Planning Practice Guidance. A condition relating to a time limit for implementation is reasonable to provide certainty. A condition relating to being implemented in accordance with the submitted drawings is necessary and reasonable for the avoidance of doubt.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR