
Appeal Decision

Site visit made on 12 October 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/Z2260/W/20/3248062

Land opposite 15-19 Spratling Street, Manston, Ramsgate, Kent CT12 5AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Equus Storage Solutions against the decision of Thanet District Council.
 - The application Ref OL/TH/19/0923, dated 25 June 2019, was refused by notice dated 10 September 2019.
 - The development proposed is the erection of a close of 9no dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have dealt with the appeal on this basis, treating the proposed site layout plan as illustrative only.
3. Policies D1 and CC1 of the Thanet Local Plan 2006 referred to by the Council in its reasons for refusal have been superseded by policies of the Thanet District Council Local Plan (the Local Plan) 2020 which has been adopted since the appeal was submitted. The Council has indicated that Policies SP24, SP26, SP35, E16, HO1 of the new Plan are relevant to the first reason for refusal. I have taken these into account. Both parties were given the opportunity to comment on the relevance of the new Plan policies.

Main Issues

4. The main issues in this case are the effect of the proposed development upon:-
 - a) The character and appearance of the area and Grade 1 agricultural land; and
 - b) The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

Character and appearance

5. Policy HO1 of the Local Plan directs new housing development to allocated sites or to within the confines of urban areas and villages. Policy SP24 of the Local

Plan sets out criteria where development on non-allocated sites in the countryside will be permitted. The proposal however would not fall within any of these. Therefore the site, being beyond the village confines and within the countryside would not be a location where policy would support residential development.

6. Policy SP26 of the Local Plan requires Thanet's landscape character and local distinctiveness to be conserved and enhanced. Although the appeal site adjoins and is opposite to existing development, the proposal relates to agricultural land being part of a large field. It is undeveloped in nature and is characteristic of the wider open rural landscape.
7. The appearance of the development would be one of houses together with a formalised layout with highways, parking and domestic landscaping and gardens. The development would have a significant urbanising effect upon the site and would substantially change its countryside character. This would result in a diminution of the rural character and appearance of this location and the countryside. Therefore, the visual harm of the proposal to the character and appearance of the countryside would be substantial. Furthermore, the visual harm of urbanising development would be clearly visible in wider public views across the landscape and from Spratling Street.
8. The site forms part of the Council's identified 'landscape character area'. Whilst there is some sporadic development along Spratling Street and a caravan park adjacent the site, the undeveloped countryside forms a distinctive part of the wider landscape character between Monkton and Ramsgate. It is open agricultural land and the appeal site functions as part of this rural landscape. Placing urban development at this site would be intrusive and damaging to the appearance of the landscape character area.
9. The appellant has directed me to an Agricultural Land Classification report (Alan Furneaux Associates) and an appeal decision (Appeal Ref: APP/Z2260/A/03/1107650) that drew the conclusion that land at the adjacent caravan park should be classified as Grade 2 agricultural land. However, that report and decision are of some age. The Council has directed me to information provided on Natural England's website in which the Agricultural Land Classification map identifies the area to be Grade 1. This is an up-to-date information base to which I have had regard.
10. Policy E18 of the Local Plan indicates that except on sites allocated for development planning permission will not be granted for development which would result in the irreversible loss of best and most versatile agricultural land unless it is demonstrated that the development would meet certain criteria. I have not been directed to any benefits of the proposal that could be considered to outweigh the harm resulting from the loss of agricultural land. On the available evidence it does not appear to me that other poorer agricultural quality sites have been considered for development or that the proposal would relate to the viability of an agricultural holding. Therefore, it has not been demonstrated that the proposal has met the criteria of this policy.
11. Provision has been made in the recently adopted Local Plan for new dwellings over the Council area with some of those site allocations falling within the wider area of the appeal site. Whilst it is contended that the proposal would not have as much of an impact on the countryside landscape as allocated sites, those sites have been tested through the Local Plan adoption process. As such, the

Council has in place a settlement hierarchy to deliver new development in a sustainable way.

12. I have been referred to the development precedent set by an allowed appeal for the caravan park adjacent the site. That proposal was considered some significant time ago and against a different planning policy context that pre-dated both the National Planning Policy Framework and the Local Plan. It was also for a very different development. The residential scheme that is before me can and should be considered on its own merits.
13. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area and would represent an unacceptable loss of Grade 1 agricultural land. The proposal would, therefore, conflict with Policies HO1, SP24, SP26 and E18 of the Local Plan. The Council has also referred to Policy SP35 of the Local Plan that relates to quality of development. However, the application of that policy would be more relevant at a reserved matters stage.

SPA and SSSI

14. The Council has identified a likely significant impact upon the Thanet Coast and Sandwich Bay SPA and Sandwich Bay and Hacklinge Marshes SSSI as a result of increased recreational activity arising from new residential development and related population growth. The appellant considers that the proposal would have a negligible impact being a scheme limited to nine dwellings. Notwithstanding this, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail or require an appropriate assessment to be undertaken to assess the development's effect upon the integrity of the protected habitats.

Other matters

15. In relation to the Council's housing land supply position the appellant says that that the Council has failed on the delivery test as housing delivery figures are yet to be further updated. The Council has recently adopted its new Local Plan, and as such, has an up to date development plan with a settlement hierarchy in place to deliver new development in a sustainable way.

Conclusion

16. It is appreciated that the Council's pre-application advice was sought in respect of the proposed development. However, having regard to the above findings, the appeal should be dismissed.

Nicola Davies
INSPECTOR