



Appeal Decision

Site visit made on 15 October 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/J2210/W/20/3254806

Roydon Folly, Littlebourne Road, Canterbury CT3 4AF

- 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 and Mrs S Streeting against the decision of Canterbury City Council.
 - The application Ref CA/20/00334, dated 4 February 2020, was refused by notice dated 3 April 2020.
 - The development proposed was initially described as the erection of a detached self-build dwelling in the side garden of the existing dwelling, including the construction of 2 garages and removal of an annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for housing development having particular regard to the strategic approach to development in the area.

Reasons

3. The appeal site is located between the settlements of Canterbury and Littlebourne and adjacent to the main road that connects them, being within a short group of dwellings that has a linear arrangement and is surrounded by an adjacent sports complex and farmland. Although the built form continues along substantial sections of the road leading towards Canterbury, due to the pattern and character of development within the vicinity of the site, I find that the group that includes the appeal site represents a ribbon of development within a semi-rural area rather than a settlement.
4. Policy SP4 of the Canterbury District Local Plan (2017) (The CDLP) identifies that the urban areas within the Canterbury District will be the principal focus for development but also allows for development at other identified settlements. The site is not located within any of those settlements and, therefore, the erection of a dwelling at the site does not accord with the strategic approach to the locating of development that is set out within the abovementioned policy. As Policy SP4 of The CDLP does not wholly restrict development outside of the main settlements and sets out a strategic approach towards the location of development which includes locations outside of settlement boundaries and enables development to meet identified local needs, I find the policy to be consistent with the National Planning Policy Framework (The Framework).
5. As the strategic approach of The CDLP identifies that development will be focused on specified urban areas and hamlets, it is inherent to that approach that development is not intended to be directed towards other locations. Further to

this, Policy HD4 of The CDLP lists the circumstances where new dwellings in the countryside would be permitted, none of which are applicable to the proposed development. Therefore, whilst the appellant has suggested that The CDLP is silent in respect of development at the edge of urban areas and at hamlets other than those listed within Policy SP4, there are development plan policies that are relevant to the proposal, particularly those which identify where development is to be focused.

6. Although the dwelling would be located remotely from most services and facilities needed to meet the day-to-day needs of future residents, it would not be isolated and pedestrian routes and bus routes, accessed from bus stops that are close to the site, would enable access to services and facilities without reliance on a private car. The Braintree judgement¹, paragraph 103 of The Framework and the previous appeal decision² at this site, which pre-dates the current version of The Framework, compounds my findings in these respects.
7. The erection of an additional dwelling at the site would represent a boost to housing supply at a windfall site and the effective and efficient use of previously developed land in a manner that accords with aspects of The Framework. Furthermore, whilst the appellant has identified that the primary relationship of the proposed dwelling would be with Canterbury rather than any rural settlement, it is likely that the occupiers of the proposed dwelling would contribute to the enhancement or maintenance of the vitality of settlements within the surrounding area. However, the benefit arising in these respects would be limited as the proposal would consist of a single dwelling and it has not been demonstrated that the proposal would meet a local need.
8. The development has been advanced on the basis that the proposed dwelling would be built as a self-build dwelling as defined by the Self-Build and Custom Housebuilding Act 2015 (as amended)(The SB Act) and help to address a shortfall for such housing that has been identified by the appellant who is on the self-build register. The government is strongly supportive of self-build and, if secured, the self-build nature of the proposal would weigh in favour of the appeal. However, no planning obligation has been provided to secure the self-build construction and occupation of the dwelling and I am not satisfied that a condition in this respect would meet the relevant tests. Therefore, I am not able to be certain that the development would provide a self-build dwelling or that the proposal would meet the needs of people wishing to commission or build their own homes as is supported by The Framework. Consequently, this is a benefit of the proposal that I am only able to afford very little weight. Moreover, whilst The CDLP only refers to self-build housing within supporting text, this does not give me reason to conclude that the policies that are most relevant to this proposal are silent or out-of-date.
9. Three appeal decisions³ at other sites have been brought to my attention but I have limited details of the proposals or the circumstances of those sites. However, the Hoath Farm appeal decision indicates that benefits unique to that proposal outweighed the harm caused by the conflict with Policy SP4 of The CDLP. Furthermore, the appeal decisions indicate that the Yorkletts site sits within a 'relatively large' settlement and the Herne Common site also forms part of a settlement. Therefore, whilst neither settlement is identified as being a suitable location for development within the strategic approach of The CDLP, the evidence

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 (28 March 2018)

² APP/J2210/W/18/3197361

³ APP/J2210/W/19/3237912, APP/J2210/W/18/3204617 and APP/J2210/W/19/3233809

before me does not demonstrate that the circumstances are comparable to the proposal which consists of a residential development that I do not find to be within a settlement. Moreover, a planning obligation secured the development at the Yorkletts site as a self-build scheme. For these reasons and in the absence of evidence to the contrary, the differences between this proposal and the abovementioned examples leads me to afford them little weight.

10. Other developments within the vicinity of the site have also been brought to my attention, including the erection of 18 dwellings at land adjacent to the abovementioned sport facility and other developments between the appeal site and Canterbury. However, the evidence before me does not indicate that the circumstances and all other relevant considerations are sufficiently comparable for those developments to alter my assessment of this proposal.
11. The development being acceptable in terms of its effect on the character and appearance of the area, surrounding trees and the living conditions of the occupiers of the existing and proposed dwellings should be expected and this does not, therefore, weigh substantially in favour of the proposal. Moreover, whilst the inclusion of various features to enable the dwelling to exceed building regulations relating to sustainable construction is a benefit of the proposal, I afford that factor little weight as the extent of the benefit has not been quantified.
12. The Council has not clarified why it was concluded that the proposal would be contrary to The Framework and, as set out above, the proposal would accord with The Framework in some respects and bring about benefits in other respects that are supported by The Framework. However, those benefits are modest and, for the reasons given above, the site would not be a suitable location for housing development having particular regard to the strategic approach to development in the area. The proposal would, therefore, be contrary to Policies SP4 and HD4 of The CDLP which, together, seek to focus development towards identified locations and limit the erection of dwellings in rural settlements and outside of settlements. In this instance, I find that the benefits of the proposal and other considerations, including The Framework, do not outweigh the conflict with the development plan which I am required to determine the appeal in accordance with unless material considerations indicate otherwise.

Other Matter

13. The Council has identified that the site is within the catchment area of the River Stour and may have implications on water quality within The Stodmarsh Nature Reserve which is protected as an internationally designated site. However, whilst the appellant has indicated a willingness to address this matter, as the appeal is to be dismissed for the reasons given above, it is not necessary to undertake an Appropriate Assessment in order to ascertain whether the development is acceptable in that respect.

Conclusion

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

Ian Harrison

INSPECTOR