

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/L2250/W/20/3254606

Land adjoining Hatch Meadow, Bossingham Road, Stelling Minnis, Kent CT4 6AQ

- 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 & Mrs R Hubble against the decision of Folkestone and Hythe District Council.
 - The application Ref Y19/0631/FH, dated 23 May 2019, was refused by notice dated 9 April 2020.
 - The development proposed is a three bedroomed dwelling with detached garage at front and new access to the highway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In September 2020 the Council adopted the Folkestone and Hythe District Places and Policies Local Plan (The PPLP) which replaces the Shepway District Local Plan Review 2006 (The SDLPR). Both main parties have been provided with an opportunity to comment on the implications of the change to the development plan.

Main Issue

3. The main issue is whether the site is a suitable location for residential development including any effect on the character and appearance of the site, the locality and the Kent Downs Area of Outstanding Natural Beauty (The AONB).

Reasons

4. The appeal site consists of an area of grassed land that is surrounded by substantial trees and other vegetation, albeit less so to the front where views into the site can be achieved from the road. The site is surrounded by a small group of dwellings that are located at each side of Bossingham Road. The irregular arrangement of dwellings of varying scale and design on large plots is a feature of the group of buildings surrounding the appeal site and is repeated at the other groups of dwellings that, in combination, form the dispersed settlement of Stelling Minnis. Between the clusters of built form that exist within the locality and align the roads, wooded land and substantial areas of grassed, open land connected by grass tracks create a semi-rural character and a scattered and sporadic pattern of development.
5. The erection of a dwelling at the site would cause the substantial erosion of the pocket of green space which is one of several that contribute positively to the character of the locality. The effect of this would be localised and have a limited

effect on The AONB as a whole due to the development being screened from most directions by the substantial trees and vegetation that surrounds the site. However, the development would detract from the sporadic pattern of development and the semi-rural character that is a positive feature of the locality, the non-nucleated settlement of Stelling Minnis and the part of The AONB that Stelling Minnis forms a part of.

6. The scale and design of the dwelling would be reflective of the other built form that surrounds the site and the proposed dwelling would replicate the loose alignment of the surrounding dwellings and the spacing between them. However, these factors do not alter my assessment of the effect of the proposal on the character and appearance of the locality as a result of the loss of the green space at the site.
7. The dwelling would not be isolated and would be located within a 'secondary village'. In this respect, the appellant has identified that the settlement hierarchy enables developments that provide crucial rural facilities for visitors, residents and the workforce, in line with local needs, having regard to the environment and their role as relatively small country settlements. Accordingly, the main parties submissions indicate that there is not a total restriction on development in this area and I find this to be consistent with Paragraphs 77 and 78 of the National Planning Policy Framework (The Framework) which identify that planning decisions should be responsive to local circumstances, support housing developments that reflect local needs and be located where it will enhance or maintain the vitality of rural communities. I have no reason to find that these paragraphs should not be applicable to the 'secondary village' of Stelling Minnis.
8. However, it has not been demonstrated that the proposal would meet an identified local need and, as the proposal relates to a single dwelling, the boost to the supply of housing brought about by this windfall development on land that the appellant identifies as being previously developed, would be modest. Moreover, whilst the site would be well located with respect to access to the shops, facilities and public transport connections available within Stelling Minnis and other nearby villages, I have no evidence before me that indicates that the social and economic benefits arising from the proposal would be more than limited. Consequently, these aspects of the proposal do not outweigh the harm that has been identified above.
9. The appellants have indicated that they would build and occupy the dwelling themselves, that it would meet their changing needs and be built to a high standard of energy efficiency. However, the development would not be secured as a self-build dwelling and would exist long after the needs of the intended occupiers remain pertinent. Furthermore, minimal details have been provided that demonstrate the extent to which the energy efficiency credentials of the proposal would represent a benefit. Therefore, I afford little weight to these potential aspects of the proposal.
10. The appellant has identified that residential development has been approved at a site referred to as The Rose and Crown, albeit that site was allocated for development within a development plan document. In addition to being allocated for development, that site is distant from the appeal site and is at the edge of a group of different character and setting to the appeal site. Furthermore, whilst I have had regard to the conclusion reached within a recent appeal decision¹ at Maxted Street, Stelling Minnis in respect of housing development within the countryside and the need to travel, that proposal relates to the change of use of an existing building rather than the erection of a new dwelling. Consequently, the

¹ W/4000395 and W/4000396

evidence before me indicates that, in both cases, the circumstances and applicable policies are not directly comparable to those that are relevant to this proposal.

11. Similarly, whilst I have had regard to appeals relating to sites in the area of Canterbury City Council² and Darlington Borough Council³ and the Braintree judgement⁴ insofar as they address matters relating to isolation and accessibility, I have no evidence before me that the circumstances and applicable policies are comparable in all other respects. Accordingly, those other developments that have been brought to my attention do not lead me to assess the proposal differently.
12. For the reasons set out above, the site would not be a suitable location for residential development as a result of the effect on the character and appearance of the site, the locality and The AONB. The proposal would, therefore, conflict with Policy CSD4 of the Shepway Core Strategy 2013 which requires that close regard is had to the need for conservation and enhancement of natural beauty in the AONB and identifies that this will take priority over other planning considerations. The proposal would also be contrary to Policy HB1 of The PPLP which requires that development enhances and integrates areas of green infrastructure and makes a positive contribution to its location and surroundings. The proposal would also fail to accord with those parts of The Framework which require that the natural and local environment is enhanced through the recognition of the intrinsic character and beauty of the countryside and also require that great weight is given to conserving landscape and scenic beauty in The AONB.
13. As set out above, the policies of The SDLRP no longer form part of the development plan and, other than where referred to above, the policies of The PPLP provided by the Council are not determinative in my assessment. Neither does the appellant's summary of Policy NE3 of The PPLP indicate that the policy would alter my assessment of the proposal.
14. Minimal details of the Special Landscape Area designation have been provided and it has not been demonstrated that this designation relates to any policies of The CS or The PPLP. However, as the site is within The AONB and The Framework advises that this has the highest status of protection in relation to landscape and scenic beauty, I do not find that the Special Landscape Area designation would lead me to a different conclusion in the abovementioned respects.

Other Matter

15. Whilst I recognise that the appellant is dissatisfied with the manner that The Council reached its decision, the nature of that dissatisfaction falls outside the scope of my considerations and does not relate to the planning merits of the proposal upon which my decision is based.

Conclusion

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

Ian Harrison

INSPECTOR

² APP/J2210/W/19/3221117

³ APP/N1350/W/18/3208188

⁴ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 (28 March 2018)