
Appeal Decision

Site visit made on 24 November 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2020

Appeal Ref: APP/Z2260/W/20/3254144

Land at Summer Road, St Nicholas at Wade CT7 0HQ

- 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 Baker (Carabine Ltd.) against the decision of Thanet District Council.
 - The application Ref F/TH/20/0292, dated 20 February 2020, was refused by notice dated 20 May 2020.
 - The development proposed is erection of 8no. dwellings, with associated parking, landscaping and internal access road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council sets out within its appeal statement that the Thanet District Council Local Plan (LP) was adopted in July 2020. The main parties have thus had an opportunity to comment on the implications of this to the appeal. I have considered the appeal based on the development plan that is in place.
3. The Council has confirmed that it took drawing reference 072B-PLN-200 Rev C into account when it made its decision, despite this not being reflected on the decision notice. I have taken the drawing into account in making this decision.
4. A unilateral undertaking dated 2 December 2020 has been submitted. It intends to address the Council's third reason for refusing the application, which relates to the effects of the development on Thanet Coast and Sandwich Bay Special Protection Area and Hacklinge Marshes Site of Special Scientific Interest (the designated sites).

Main Issue

5. The main issue is whether the proposal would be in an appropriate location, with particular regard to its effect on the character and appearance of the area, including the landscape.

Reasons

6. The appeal site mainly consists of grazing land which is largely to the rear of residential properties in Summer Road and near to the junction with Down Barton Road. When I visited, 6 dwellings were under construction adjacent to the site and a vehicular access to serve them had been created. The site is otherwise adjacent to a paddock and a field that is located beyond a Public

- Right of Way (PRoW). The site is separated from the paddock by a hedge and the PRoW by a low post and wire fence.
7. The site and most of its immediate surroundings are located outside the St Nicholas at Wade settlement boundary as identified by the LP and are thus in the countryside. LP Policy SP24 sets out that development on non-allocated sites in the countryside will only be permitted for specific types of development or where one of the exceptions are met for isolated homes in the countryside, as identified by the National Planning Policy Framework (the Framework). Having regard to the site's location near to existing and forthcoming development, it is not isolated. The site is not allocated and the proposal is not for one of the types of development permitted by LP Policy SP24.
 8. The Thanet Landscape Character Assessment (the Assessment) identifies that the site and its surroundings are located within the St Nicholas at Wade Undulating Farmland Landscape Character Area (LCA). Amongst other things, the Assessment identifies the LCA's key sensitivities and qualities, which include the open and undeveloped character of farmland that contributes to its essentially rural character, long distance panoramic views and big skies and occasional quiet rural lanes. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to identify and assess the anticipated landscape and visual effects resulting from the development.
 9. The site has an open and undeveloped character that contributes to the essentially rural character of the LCA. There is a strong sense of connectivity between the site and the adjacent field, the paddock and the wider countryside. The site provides for long distance views beyond the PRoW from the junction and along Summer Road. The LVIA suggests that small parts of the proposed dwellings would be visible beyond the dwellings under construction. Nevertheless, it was clear from my visit that the position of the dwellings being constructed is such that views through the site from Summer Road would be enabled. However, a significant proportion of the proposed dwellings would be highly visible beyond those under construction and limit views through the site.
 10. The site's relationship with the adjacent paddock, the field and the wider countryside beyond the settlement is appreciable from the PRoW between LVIA viewpoints 2 and 3. From the PRoW there are long distance views of the undulating farmland and the horizon across the field and between the dwellings on Summer Road. The lack of a solid boundary between the site and the field and gaps in the hedge and to the sides of the existing dwellings contribute to the sense of continuity between the site and the surrounding countryside. This relationship would be disrupted by the presence and prominence of the proposed dwellings and the views through the site and between the dwellings on Summer Road would be restricted.
 11. The LVIA identifies that the hedge beside the paddock would be enhanced and additional planting would be undertaken within the site. It says that a hedgerow between the dwellings and the PRoW would also be created. I also recognise that the Assessment suggests there are opportunities for hedgerow and woodland creation in the LCA. However, the drawings indicate that there would be gaps between the planting along the site's boundaries such that the dwellings would be visible. I also note that the drawings indicate that the site would be bound by fencing and walls. Moreover, even if soft landscaping were

able to significantly reduce the visibility of the proposed dwellings, the character of the site and views through it would be compromised.

12. The appellant contends that the proposal would represent a logical consolidation of development and form a positive edge to the village in comparison to the rear of the properties along Summer Road. I acknowledge that the site is partially contained and those properties and the settlement would provide a backdrop to the development from several viewpoints. However, the proposal would nonetheless have a major adverse effect on the open, undeveloped and rural character of the LCA and long distance views for the reasons identified.
13. There is a clear transition from the continuous built form away from the settlement along Down Barton Road to the more open and spacious character of Summer Road, which reflects the latter road's location within the countryside. This is particularly evident from the PRoW. The proposal would increase the number of buildings projecting away from Down Barton Road significantly. It would make limited alterations to the vehicular access with Summer Road and thus the proposed access would not have significant effects visually or on the LCA's characteristic quiet rural lanes. However, the cul-de-sac that the access would serve would have a curved alignment and the dwellings would have an arced layout which would provide the proposal with a suburban feel.
14. Whilst there are examples of culs-de-sac in St Nicholas at Wade, the proposal would not reflect the predominantly linear pattern of development that characterises the countryside on this side of the settlement. Although the dwellings would be oriented to positively address the adjacent paddock, a muted palette of materials would be used and landscaping would be provided, these matters would not address the harm to the character and appearance of the area.
15. Housing developments have been completed recently or are under construction in the vicinity of the site. However, they occupy different locations and were either granted permission prior to the adoption of the LP or are located on allocated sites. The circumstances of those schemes and their effects on the character and appearance of the area and the landscape are not directly comparable with this proposal.
16. I conclude that the proposal would not be in an appropriate location, with particular regard to its effect on the character and appearance of the area, including the landscape. It is contrary to LP Policies SP24 and QD02, which seek to restrict development in the countryside and require proposals to respect and enhance local character. LP Policy SP26 seeks to conserve and enhance the landscape. It explains that where proposals conflict with its principles, permission will only be granted where it can be demonstrated that the development is essential for the economic or social wellbeing of the area. I return to this matter in the planning balance.

Planning Balance

17. I have not been provided with substantive evidence which indicates that the Council is unable to demonstrate a 5 year supply of deliverable housing sites following the adoption of the LP. In addition, the Council's most recent Housing

Delivery Test results do not have the effect of engaging the so-called 'tilted balance' of paragraph 11 of the Framework.

18. Notwithstanding this, the LP is required to be reviewed within 6 months of adoption, housing delivery in the district has been limited in previous years and the LP relies on a stepped housing trajectory and windfall development coming forward during the plan period. I also recognise that the proposal would be capable of increasing housing supply and delivery in the short term and small and medium sized sites can make an important contribution to housing requirements. In addition, I have no reason to doubt that the LP encourages a wider spatial distribution of housing than the plans that preceded it and the proposal's incursion into the countryside would be more limited than many of the allocated housing sites.
19. There would be a small benefit from creating a footpath from the site to Down Barton Road. Furthermore, the occupiers of the proposed dwellings would be able to access services and facilities in the settlement without relying on private motor vehicles and contribute to the vitality of the rural community. There would also be benefits from making ecological improvements. However, these matters, and the benefits arising from the provision of the housing, would be limited as a result of the small scale of the development.
20. The appellant contends that the proposal would make efficient and effective use of the land; however, I do not consider this would be the case given the harm identified. If I were to conclude that there would be no adverse effect on the designated sites, this would constitute a neutral consideration rather than a benefit weighing in favour of the proposal.
21. Overall, I do not consider that the matters identified demonstrate that the proposal is essential for the economic or social wellbeing of the area. The proposal thus conflicts with LP Policy SP26. Moreover, the matters identified do not outweigh the harm and the conflicts with the development plan arising from the proposal's location and its effect on the character and appearance of the area, including the landscape.

Conclusion

22. The proposal is contrary to the development plan taken as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. It is thus not necessary that I consider the effect of the proposal on the designated sites, as such an assessment would have no bearing on my decision.
23. For the reasons identified the appeal is dismissed.

Mark Philpott

INSPECTOR