
Appeal Decision

Site visit made on 1 February 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/V2255/W/20/3261525

Land at the corner of Seasalter Road and Monkshill Road, Graveney, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Carol and Roger Mitchell against Swale Borough Council.
 - The application Ref 20/500617/FULL, is dated 6 February 2020.
 - The development proposed is demolition of existing structures and erection of a detached dwelling and a detached tractor shed/stable building.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. The site address and description of proposed development in the header above have been taken from the planning appeal form as a site address was not provided on the planning application form and the proposal description provided on the planning appeal form clearly and succinctly describes the act of development that is proposed.

Background and Main Issues

3. This appeal has been lodged following the Council's failure to determine the application. I have been provided with the Council Officer's report to its Planning Committee which sets out its reason for refusal had the Council been in a position to determine the application. Members of the Planning Committee have indicated that had they been able to determine the planning application, they would have resolved to refuse the planning application in accordance with the recommendations of the Officer's report.
4. Having regard to the Officer's report, I consider the main issues in this case to be whether the proposal is an appropriate location for a new dwelling having regard to the spatial strategy of the development plan and the effect of the proposed development upon the character and appearance of the countryside.

Reasons

5. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan) has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the

Borough. Part 5 of Policy ST3 states *"At locations in the countryside, outside the built-up area boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities"*.

6. The site lies outside any built-up area boundary as shown on the Proposals Map. As such, the countryside siting of the appeal site would not be an appropriate location for residential development.
7. To the south of Monkshill Road there is a small cluster of residential and rural related development at Graveney. Notwithstanding this, the land to the north, east and west of the appeal site is open countryside where there is a scattering of built development interspersed within the rural landscape. The site lies within the designated Kent Levels Area of High Landscape Value (the AHLV).
8. The appeal site comprises open grass land with some sporadic trees and vegetation within the site. Along the highways the site is enclosed by post and rail fencing. Trees and vegetation define the boundaries where the site abuts countryside land. There is a small, dilapidated structure on site, along with the hardsurfaced base remnants of another small structure. Despite these existing structures the site is open and undeveloped in nature. Whilst the appellants contend that the site could be considered to be a brownfield site, I disagree with this assertion given the site exhibits the attributes of the undeveloped countryside.
9. The erection of a two-storey dwelling with outbuilding, driveways, various manicured gardens and landscape redesign would create a development of domestic appearance. The development would have a significantly urbanising effect upon the site and would substantially change its rural character.
10. The proposal is presented as a design of exceptional quality under paragraph 79(e) of the National Planning Policy Framework (the Framework). Paragraph 79 indicates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of its criteria would apply. Criterion (e) states *"The design is of exceptional quality in that it: Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to rise standards of design more generally in rural areas; and, would significantly enhance its immediate setting, and be sensitive to the defining characteristic of the local area."*
11. The design of the scheme has been described by the appellants as being of a 'pergola' design. The proposal would incorporate a 35-metre-wide steel truss with metal mesh arched (the pergola) rising over the proposed house with the house sitting separately beneath it. The steel truss would support climbing plants rooted at either end and at first floor level. The house itself would be constructed of prefabricated Structural Insulated Panels (SIPS units) and the scheme would incorporate a sustainable drainage system (SUDs).
12. The appellants suggest that the curved roof would be reminiscent of a Dutch barn or other large farm buildings that can be found in the East Kent countryside. The dwelling itself would be of modern red brick and metal support design, with large openings and utilise a wide palette of materials. In addition to the dwelling itself, the arch is an integral part of the design ethos of

the proposed development. Indeed, the appellants' Grounds of Appeal comments that "*the visitor's first experience will be the overwhelming scale of the living roof, which completely envelopes the house*". The modern design of the dwelling, with its large living roof, would be very different to that of typical Kentish countryside dwellings or existing barns found within this rural landscape.

13. The arched design, along with the living roof, is an interesting and unusual design concept, as is the in-built rainwater irrigation channel system and planting beds design of the roof of the building that would feed the planters at either end of the curved roof. However, the design innovation concept is reliant upon the living roof, which in part is north facing and would not receive direct sunlight. The northern part of the arch could host shade tolerant climbers but if that part of the roof landscaping failed, this would substantially undermine the design, ecological and shading pergola ethos of the development's concept.
14. Irrespective of whether the roof landscaping was to fail, the proposed development would appear as an inappropriate urbanising development within the rural landscape and would be negatively visually intrusive for this reason. In views from the east and west the modern designed dwelling with its oversailing arch would be readily visually apparent, as would the domestication of the land around the dwelling within the site. The unusual arch element of the design would not raise the standard of design to appear truly outstanding in my view. Overall, in addition to the development's substantially urbanising effect upon the rural character of the site, I consider the development would be extremely likely to appear as a visually conspicuous inconsistent feature within this rural landscape.
15. The Landscape Report that supports the proposal indicates that the boundaries would be planted with native hedgerow and there would be two shelterbelts of mixed species planted in the north west and south west corners of the site. It is explained that this will shield plants on the living roof from prevailing salt laden winds. This landscaping would be tall in order to shield the plants on the 7-metre-high arch. Furthermore, the Landscape and Visual Impact Assessment (LHVI) explores the zone of visual influence and has identified locations within the wider landscape from which the site could be seen. Many of those are some distance from the site and given these would be wider distance views, the site would not be so visually prevalent in such longer ranging vistas. In those locations closer to the site augmented landscaping that would assist in screening the site and shield it from winds would be clearly visible from the surrounding area and local rural lanes.
16. Landscaping around the site could help to mitigate the visual impact of the proposed development, which I acknowledge has also the potential to increase the sites ecological value. Nonetheless, the proposal would introduce urban related development that would be out of keeping with the character and appearance of the countryside and that would represent a diminution of the rural character and appearance of the rural landscape and the AHLV. Intensification of landscaping at the site would draw attention to the development. The landscaping would not reflect or be sensitive to the wider rural landscape which is primarily open and to which the site forms part. This would compound the visual harm of the development within the AHLV landscape.

17. The landscape drainage system for the living roof is unusual by design. The SIPs design and energy saving techniques incorporated into the proposal, such as, the solar PV array and ground source heat pump, are not unusual in themselves, even if they would provide for 58% of the dwelling's electricity supply. Indeed, the Framework requires all new development to take a proactive approach to mitigating and adapting to climate change. This includes planning new development in a way that reduces greenhouse gas emissions, such as through its location, which would include directing new housing development to defined settlements to reduce the need for travel. Policy DM19 of the Local Plan reflects those encouragements to include measures to address and adapt to climate change within development proposals.
18. The design is different, but I do not consider that it passes the high design bar test of paragraph 79(e) to be truly outstanding or innovative. I do not consider that it would raise standards of design more generally in this rural area because its unusual design would not easily be replicated within rural areas and could actually encourage discordant design within the rural environment. Furthermore, the proposal would not significantly enhance the immediate rural setting, and it would not be sensitive to the defining rural characteristics of the rural area or the designated AHLV.
19. For the above reasons, I conclude that the proposed development would not be an appropriate location for a new dwelling having regard to the spatial strategy of the development plan. Furthermore, the proposed development would have a harmful effect upon the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST3, DM14 and DM24 of the Local Plan. These policies seek, amongst other matters, development to accord with the Local Plan settlement strategy, to resist development in the countryside and to conserve and enhance the natural environment, including the AHLV.

Other Matters

20. Graveney Conservation Area and some listed buildings are located south of the appeal site. The proposal would not harm these existing designated heritage assets. Whilst this may be so, this does not justify the proposed development or the harm that I have identified. Nor would the fact that future occupiers of the proposed development could benefit from long distance views of the Marshes justify the proposal.
21. The LVIA suggests that ecological gain to the site would bring about enhancement to the wider surrounding areas, which include national and international designated sites. Much of the planting intended for the site would be ornamental rather than vegetation that would be native to the Kent Marshes. There is no substantive evidence before me that would clearly indicate that the proposed development would bring about significant ecological benefit to the surrounding designated sites or the Kent Marshes landscape.
22. The Council has identified that the development lies within 6km of the Swale Special Protection Area and advises that a contribution is required to mitigate the potential recreational disturbance impacts of the proposed development upon that protected area, and in particular rare and vulnerable birds. Mitigation is required if planning permission were forthcoming. 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 habitat.

23. Email correspondence with the LPA during the course of its consideration of the planning application has been submitted in support of the appeal. Some concern is expressed to the Council's processing of the planning application. However, this is not a matter that is primarily before me in respect of this appeal but is an issue for the local planning authority in the first instance.

Conclusion

24. Having regard to my above findings, the appeal should be dismissed and planning permission for the proposed development is, therefore, refused.

Nicola Davies

INSPECTOR