



Appeal Decision

Site visit made on 20 April 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2021

Appeal Ref: APP/J2210/W/20/3254304

'High Trees' Royal Avenue, Whitstable, Kent CT5 3DP

- 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 Anthony Meah against the decision of Canterbury City Council.
 - The application Ref CA/20/00440, dated 19 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is a two-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Clarification

2. Planning permission has previously been granted on the appeal site for a detached workshop. At the time of my visit, that building had been partly constructed. In the present application, some of the submitted documents refer to the 'conversion' of the partly-built workshop to a dwelling, whereas others suggest that the existing building would be demolished and replaced on the same footprint. I have dealt with the appeal on the basis that the proposal is for a new building, but one which could incorporate all or most of the existing works.

Preliminary matter

3. The Council's Refusal Reason No 2 (RR2) relates to potential impacts on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thames, Medway and Swale Estuaries SPAs and Ramsar sites. Subsequently, the appellant has accepted the need for these impacts to be mitigated, through a contribution to the relevant strategic access, management and monitoring schemes, and has submitted a draft undertaking to that effect.
4. Although some details relating to the undertaking are queried by the Council, it is clear that there is no disagreement as to the principle of the contribution, or the amount. On the evidence before me therefore, RR2 is no longer in dispute. In the light of my conclusions on the other issues in this appeal, there is no need for me to consider this matter further.

Main issues

5. In the light of the submissions before me, the main issues in the appeal are:
 - whether the proposed development would accord with the relevant planning policies relating to development in the countryside;

- the effects of the development on the character and appearance of the area;
- and whether the District has a 5-year supply of land for housing.

Reasons for decision

Relationship to policies for development in the countryside

6. In the Canterbury District Local Plan (the CDLP), adopted in July 2017, the appeal site lies outside the urban area boundary of Whitstable. For policy purposes therefore, the site is in the countryside.
7. Policy SP4 sets out the Plan's locational strategy. The principal focus for all new development is to be in the urban areas, with some provision also at the larger villages defined as rural and local service centres. In the smaller villages and hamlets, development is restricted to identified local needs, in order to protect their rural character. In the open countryside, development will be permitted for purposes of agriculture and forestry. It is not disputed that the development now proposed would conflict with this strategy.
8. With regard to housing in particular, Policy HD4 sets out the limited circumstances in which new dwellings in the countryside will be permitted. These include the re-use of existing buildings, where the building is redundant or disused, and the development would lead to an enhancement of the setting. There is no evidence that the partly-built workshop on the appeal site is either redundant or disused. Nor is there any suggestion that the appeal proposal falls within any of the other exceptions specified in the policy.
9. The appeal proposal therefore conflicts with both of the relevant CDLP policies, SD4 and HD4, relating to housing development in the countryside. The conflict with these policies weighs against the development.

Effects on the character and appearance of the area

10. CDLP Policy DBE3 seeks, amongst other things, to protect the District's character, diversity and distinctiveness. Developments should have regard to the character, setting and context of the site, and should be integrated with the landscape.
11. In the present appeal, Royal Avenue and Willow Road form a small enclave of sporadic residential development, within what is otherwise an extensive tract of mature, indigenous woodland. Although a short section of Willow Road is tarmacked, for the most part both of these roads are rough, informal, unsurfaced tracks. The existing dozen or so houses are spaced at irregular intervals, interspersed and enveloped by dense woodland. There are no kerbs, verges, road signs, lighting or street furniture. The predominant character of the area is informal, rural and naturalistic. Despite the presence of existing development, the area is perceived primarily as part of the surrounding countryside.
12. The new dwelling now proposed would have a barn-like appearance, with timber-clad walls, a slate hipped roof, and low eaves line. But with its row of dormer windows and large areas of full-height glazing, it would be recognisably residential and domestic in character. This visual impression would be further reinforced by the need for some form of parking area, and the presence of parked vehicles and other domestic paraphernalia, at the front of the building. In these surroundings, it seems to me that the introduction of a new dwelling

would be intrusive and at odds with the area's prevailing rural and undeveloped character.

13. I appreciate that some impacts might also result from the already approved workshop building. But that building would be lower, and different in appearance, and non-residential in nature. To my mind the effects on the area's rural character would clearly be more damaging in the case of the development now proposed.
14. The proposed development would therefore cause significant harm to the character and distinctiveness of this part of the district. It would also fail to respect the site's setting and context, or to integrate with the existing landscape. In all these respects the scheme would conflict with Policy DBE3.

5-year housing land supply

15. The most up-to-date evidence on the 5-year land supply position is that contained in the Council's 'Housing Land Supply Statement 2019/20' (the HLSS)¹, which has a base date of 1 April 2020, and includes supporting information up to 5 January 2021. The HLSS addresses the period 2020-25, and claims a surplus of 1,605 units, equating to a supply of 6.62 years.
16. In the September 2019 appeal decision relating to land at Popes Lane, Sturry², the Council was found to have a land supply of only 4.7 years, because a number of the larger sites included in the Council's April 2019 HLSS were found not to meet the definition of deliverable³. A subsequent appeal decision relating to the Westbere Butts Hotel⁴ did not need to consider the land supply issue in any detail. The conclusions reached in the Popes Lane decision therefore remain relevant.
17. In the present case, as in 2019, a number of the sites relied on by the Council do not appear to have yet reached detailed planning permission. These include the strategic allocations at South Canterbury, Sturry/Broad Oak (northern and southern sections), Hillborough, Strode Farm, and North of Hersden, and smaller sites at Canterbury West Station, Rosemary Lane and Rough Common Road. The presumption is therefore that this group of sites should not be counted as deliverable, unless there is clear evidence that completions will begin within the relevant 5-year period. In the latter respect, for similar reasons to those identified in the Popes Lane decision, it seems to me that the evidence presented now regarding all of these sites is superficial and unconvincing. None of these sites appears to have made any tangible progress since 2019, and indeed in some cases new issues have arisen, particularly in relation to the impacts on water quality. I therefore consider that, for the purposes of the present appeal, the above eight sites should all be excluded, reducing the deliverable 5-year supply by a total of 1,461 units.
18. Two other sites are disputed by the present appellants. The site known as Greenhill, at Herne Bay, although lacking detailed permission, has since 2019 gained outline permission, and has been acquired by a major housebuilder. This seems to me sufficient evidence of progress to allow the site to be counted as deliverable. The site at Chislet Colliery has planning permission, and there

¹ Canterbury City Council: 'Housing Land Supply Statement 2019/20'

² APP/J2210/W/18/3216104

³ Annex 2 of the National Planning Policy Framework (the NPPF)

⁴ APP/J2210/W/19/3221989

is no suggestion that this not a detailed permission. In the absence of any other evidence regarding the site, I can see no basis on which to doubt its inclusion.

19. Overall therefore, the evidence before me now justifies a reduction of 1,461 units from the Council's claimed supply figure. However, this reduction is less than the HLSS surplus of 1,605. It follows therefore that although the surplus claimed in the HLSS is over-stated, the remaining supply is still just sufficient to meet the 5-year requirement.
20. The provision of a dwelling still counts as a benefit of the development. But in the absence of a proven need, the weight that attaches to that benefit, in the final planning balance, is limited.

Other matters

21. The development would make effective use of previously developed land (PDL). It would also have some economic benefit in terms of construction activity, albeit that the building is already partly built. These matters carry some modest weight in favour of the appeal.
22. The scheme could be carried out without adverse impacts on neighbours, trees, wildlife, or highway safety. The new dwelling could be designed to high standards of energy and water efficiency, and to minimise waste. These considerations however are all essentially neutral.
23. I note that if the existing building remains as a workshop, the intention is to use it in connection with the appellant's hobby relating to military vehicles. But there is no evidence before me as to the scale or impact of that alternative use, or as to its planning status.

Conclusions

24. For the reasons set out above, the proposed development would conflict with the most relevant development plan policies, due to its location in the countryside, and its adverse impact on the area's rural character and appearance. No policies have been identified that give any positive support to the proposal. The scheme therefore fails to accord with the development plan as a whole.
25. The development would have some modest benefits, in terms of housing provision, construction jobs and using PDL. But these would not outweigh the conflict with the development plan.
26. Having taken account of all the other matters raised, I find nothing else to change these conclusions. The appeal is therefore dismissed.

J Felgate

INSPECTOR