



Appeal Decision

Site Visit made on 2 June 2021

by Lee Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/X2220/W/21/3266266

The Franklin, Pilgrims Cottages, Roman Road, West Studdal, Dover CT15 5FJ

- 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 Mrs Penny Kempshall against the decision of Dover District Council.
 - The application Ref 20/00027, dated 3 March 2020, was refused by notice dated 9 July 2020.
 - The development proposed is "proposed residential dwelling".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: (i) whether the location of the proposed development is suitable with regard to settlement boundaries and travel demands; and (ii) the effect of the proposed development on the character and appearance of the countryside.

Reasons

Location of the Proposed Development

3. The appeal site forms part of a small cluster of single storey former agricultural buildings previously associated with the nearby two storey dwelling Pilgrims Nook. These buildings have been converted to residential use and are referred to collectively as Pilgrims Cottages, which are located alongside a sand school and stables, in the open countryside and outside of any defined settlement boundaries. Skirted by heavy planting and accessed by a long private access track through paddocks, the site is somewhat secluded within its rural surroundings, but can be seen in long views amongst rolling fields and woodland.
4. It is proposed to erect a two-storey three-bedroom detached house on an existing open garden area located between the residential properties and the sand school. As a remote countryside location, occupants of the proposed dwelling would rely heavily on private motor vehicle transport. My attention has not been drawn to any development plan policies weighing in favour of the proposal and the proposed dwelling does not functionally require a rural location.
5. The appellant has suggested that the occupation of the proposed dwelling by her daughter would be ancillary to their stables and paddocks and would also

reduce her need to travel to the site to tend to horses. However, as a separate residential unit of substantial size, the proposal would be incapable of being ancillary to the existing equestrian facilities and there would remain a need for regular travel movements by its occupants for other purposes. The remote location of the site means that most, if not all of those movements would be made by private motor vehicles with no obvious benefits to rural community facilities, preventing the proposal from being sustainable development.

6. The proposal would therefore be contrary to Policies DM1 and DM11 of the Council's Core Strategy¹. These state development that would generate travel should not be permitted outside of defined settlement boundaries unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses. Furthermore, the proposal fails to accord with Paragraph 78 of the Framework², which states rural housing should be located where it will enhance or maintain the vitality of rural communities.

Character and Appearance

7. The proposed development would introduce a formal, two-storey dwelling of modern design amongst the existing loose arrangement of simple, single storey equestrian and former agricultural buildings. It would be visible in long views from the south, where it would be a distinctly residential interruption to what is presently seen as a remote collection of rural buildings accompanying Pilgrims Nook. In its immediate setting, amongst Pilgrims Cottages, the proposal would consolidate the built form in this location, detracting from the presently open and informal surroundings which are typical of the countryside location. The proposed development would therefore be at odds with its rural setting, harming the character and appearance of the countryside. I note the appellant has indicated a willingness to alter the design of the building, alter its positioning and plant trees, but these would not reduce the impact to such an extent as to neutralise the harm.
8. The proposal fails to accord with Policy DM15 of the Council's adopted Core Strategy, which seeks to prevent development which would adversely affect the character or appearance of the countryside, amongst other things. No evidence has been presented to suggest that any of the exemptions specified by Policy DM15 apply.

Planning Balance

9. The Council's submissions explain that they consider Policies DM1 and DM11 and part of Policy DM15 to be out of date in the context of the Paragraph 11 of the Framework. The Council have clarified that there is a demonstrable five-year housing land supply within the District and the delivery of housing exceeds 75% of its housing delivery requirement. The appellant has made no comments in these regards.
10. Paragraph 11 of the Framework states that where the Policies of the development plan which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

¹ The Dover District Local Development Framework: Core Strategy (2010)

² The National Planning Policy Framework (2019)

11. I have found the proposal fails to accord with Policies DM1, DM11 and DM15 of the Council's Core Strategy. I apply minimal weight to Policy DM1, which applies a blanket ban on development outside of settlement boundaries and therefore fails to align with the Framework. Policy DM11 adopts a similar approach to development which would increase travel demand outside of urban areas, but it seeks to promote development reliant on sustainable modes of transport, which is consistent with the Framework and I give the policy moderate weight. Part of Policy DM15 seeks to prevent harm to the character or appearance of the countryside, which is wholly consistent with the aims of the Framework. I therefore consider it appropriate to assign significant weight to that part of Policy DM15 which is applicable in this case.
12. The appellant has identified benefits associated with the proposed development in the form of the provision of good quality energy efficient housing which increases living space for her daughter and improved security for the remote cluster of buildings, especially their stables. The appellant has outlined their fear of crime and referred to local incidents of concern; however, the appeal site forms part of an enclave of other residential properties which offer a reasonable degree of security for a rural location, with the stables lying less than 100m from those existing dwellings. The benefits from improved security, increased living space and adding to housing stock in the area with a well-designed energy efficient house are modest and would not outweigh the harm caused by failing to accord with the development plan's strategic aims for achieving sustainable development, or the harm that would be caused to the character and appearance of the countryside.
13. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Other Matters

14. The appellant has referred to planning permission being granted by the Council for a new dwelling at an equine yard with stables and sand school on the outskirts of a nearby village. I have been advised that there are similarities between the two cases in that they both relate to remote sites close to main roads where travel to the site from outside areas may be reduced in some instances by the erection of a new dwelling, and security improved. I have been provided with minimal information about that scheme and I am therefore not aware of the specific circumstances that would have applied in that case or the full extent of any similarities with the proposed development in this case. In any event, every case should be judged on its merits and for the reasons set out above I have identified harm that would be caused by the proposed development which would not be outweighed by its benefits.

Conclusion

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

L Douglas

INSPECTOR