



Appeal Decision

Site visit made on 11 May 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2021

Appeal Ref: APP/J2210/W/21/3268129

Church Meadow, Station Road, Chartham, Canterbury CT4 7HT

- 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 Malcolm Griffin against the decision of Canterbury City Council.
 - The application Ref CA//19/01338, dated 5 July 2019, was refused by notice dated 19 August 2020.
 - The development proposed is proposed development comprising a retail unit and 5no. detached two-storey dwellings with associated access and parking following demolition of garage service and repair centre.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - whether the site is suitable for the proposed development having regard to local and national policies;
 - the effect of the proposal on the character and appearance of the area having regard to the setting of the Chartham Conservation Area.

Reasons

Location - Residential element

3. Policy SP4 of the Canterbury District Local Plan 2017 which identifies that residential development within the local centre of Chartham will be supported where it is not in conflict with other local plan policies.
4. Chartham Village does not have a defined settlement boundary, it is identified as a larger local village centre. Whilst development generally intensifies from the A28 down towards the station, the focal point of development is centred around St Mary's Church, with housing located along Station Road and Church Lane. On the opposite side of Station Road, the village opens up due to the large recreation ground, beyond which it is largely open countryside.
5. The appeal site stretches along the boundary with the recreation ground, at a right angle to station Road. The commercial element is located close to the front of the site, and as one travels along the site the development shifts to

residential. There are three detached dwellings, in a linear position alongside the commercial element. The site then opens up to the wider countryside. There is a caravan in residential use immediately adjacent to the boundary of the recreation ground and some modest ancillary structures. However, the absence of built form is the significant feature that shapes the eastern part of the site. The land falls very gently towards the lake, and then hills can be seen rolling away in the distance. The site has a distinct open and rural quality. There is a clear transition from the developed nature of the site which is experienced as part of the village, and the undeveloped character of the site which is clearly connected to the wider countryside.

6. I note that the appellant and their family has maintained the land for a period of time. However, it does not appear to be connected with any particular dwelling such to allow me to conclude that it has formed part of a residential curtilage. Furthermore, because it is open to the lake and countryside beyond there is no physical or functional border that would suggest it forms part of the wider planning unit. As such I find that the eastern element of the site does not fall within the local centre and is open countryside for the purposes of planning policy.
7. The new dwellings would form a loose crescent extending from a line of three existing dwellings and the built form would encroach significantly into the open countryside. Whilst the dwellings would not be isolated from other dwellings or nearby services, they would consolidate and intensify residential development beyond the eastern boundary of the recreation ground. Due to the quantum of development proposed, the scale of each dwelling, and the size of each respective plot, I find that the proposal would diminish the character of the area. The result would be a tentacle of development creeping out into the countryside which would be harmful to the tranquil quality of the wider area.
8. Policy HD4 of the Canterbury District Local Plan 2017 sets out criteria which, if met, allow development within the countryside. It has not been put to me that the dwellings are for rural workers. The dwellings do not involve the re-use of a heritage asset, or the re-use of existing buildings. The final criteria refers to the provision of a new dwelling where the design is of an exceptional quality or innovative nature. The design of the dwellings would reflect the materials and features found within the village. However, there is no evidence that leads me to conclude that the design is of an exceptional quality, or of an innovative nature.
9. I find that the proposed dwellings would not be in a location appropriate to the character and built form of the settlement. The quantum of development would be harmful to the character and appearance of the countryside. The proposal would not meet the criteria set out in Policy HD4 of the Canterbury District Local Plan 2017 which deals with new dwellings within the countryside. On the basis of the evidence I find that it would not comply with Policy SP4 of the Canterbury District Local Plan 2017 which identifies that residential development within the local centre of Chartham will be supported where it is not in conflict with other local plan policies. The proposal would also conflict with Policy DBE3 of the Canterbury District Local Plan 2017 which advises that only development of a high quality design that reflects the character, setting and context of the site and the way the development is integrated into the landscape should be permitted.

Conservation Area

10. The site lies adjacent to the Chartham Conservation Area, with the western element being directly adjacent to it. I have had regard to the views of the parties submitted as part of the appeal in respect of the Conservation Area.
11. The Conservation Area covers a wide diversity of features including the water meadows contained within the spacious loop of the Ashford Road (A28), the agricultural landscape to the south of the meadows, the open development around The Green and the Parish Church. As such the significance can be related to the open spaces within the Conservation Area. These open spaces are enhanced by the open nature of the land surrounding the Conservation Area, including the openness and tranquillity of the appeal site and adjacent lake. The level of development proposed to include five dwellings of significant size adjacent to the open countryside and the Conservation Area would fail to respect the setting of the Conservation Area, due to the existing development on the centre and western elements of the site I consider that this harm would be less than substantial.

Retail element

12. The proposed retail unit would be located to the front of site close to Station Road and would cater primarily for villagers in Chartham and adjacent rural settlements. I have found in my reasoning above that the eastern element of the appeal site is experienced as part of the village. Given the modest scale of the unit, it would contribute to existing community facilities and to their role in meeting local day-to-day needs, particularly for the elderly and other vulnerable groups. I find that whilst the replacement of the building would conflict in principle with Policy QL2 of the Canterbury District Local Plan 2017 which addresses extensions, I find that it would comply with the spirit of the policy which supports the use of appropriate buildings to provide convenience shops.

Planning Balance and Conclusion

13. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would conflict with the development plan in respect of the location of the development, its harmful effect on the character and appearance of the area, and the effect on the Chartham Conservation Area.
14. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a heritage asset, in this case the Chartham Conservation Area, is a matter of considerable importance and weight. Paragraph 193 of the National Planning Policy Framework (the Framework) says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the public benefit of a proposal.

15. The addition of five dwellings would boost the supply of housing in accordance with the aims of the Framework and would provide family sized dwellings within walking distance of a village that has some services and facilities. The provision of a retail element would serve the local community, although I noted at my site visit that the village has a local shop on Station Road.
16. Whilst there would be benefits of the scheme, particularly the contribution of housing, I do not consider them to outweigh the conflict that I have found with the development plan. I find that the public benefits identified do not outweigh the harm to the Conservation Area. Consequently, a decision other than in accordance with the development plan is not justified.
17. I have had regard to the advice from Natural England relating to the Stodmarsh Nature Reserve. As I am dismissing the appeal on other grounds it is not necessary for me to consider this matter any further as part of this appeal.
18. Accordingly, for the reasons above and having regard to all other matters raised I conclude that the appeal is dismissed.

J Ayres

INSPECTOR