



Appeal Decision

Site Visit made on 6 July 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2021

Appeal Ref: APP/Z2260/W/21/3273404

4 Down Barton Farm Cottages, Down Barton Road, St Nicholas at Wade, Birchington CT7 0QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter McIntyre against the decision of Thanet District Council.
 - The application Ref OL/TH/20/0923, dated 20 July 2020, was refused by notice dated 22 October 2020.
 - The development proposed is a detached bungalow with garden and paddock.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all details reserved for future consideration. The plans are not marked as 'illustrative' and the appellant has not made it clear that the details shown for access, appearance, landscaping, layout and scale have been submitted for illustration purposes only. In addition to considering the principle of the proposed development, I have therefore treated these details as part of the outline planning application¹ and determined the appeal on this basis.
3. In July 2021 the Government published a revised National Planning Policy Framework (the Framework). I have had regard to the Framework and insofar as it is relevant to this appeal, there are no material changes since the previous National Planning Policy Framework in February 2019.

Main Issues

4. The main issues are whether the proposed dwelling would be in a suitable location, having regard to relevant development plan policies, and the effect of the proposal on the character and appearance of the area.

Reasons

5. The proposed dwelling would be outside the defined village confines of St Nicholas at Wade and therefore in the countryside for planning purposes. The extent of the defined village confines is a matter to be established by the plan-making process, not individual planning applications or appeals.
6. According to Policy SP01 of the Thanet District Council Local Plan, March 2020 (the LP) the urban area is the primary focus for new housing development.

¹ Government Planning Practice Guidance paragraph ID: 21a-005-20190723.

Subject to other policy requirements, housing will be permitted within the village, rather than outside it, as also confirmed by LP Policy HO1(2). Whilst not physically isolated from the village the proposal nonetheless does not fall into any of the exceptions identified in LP Policy SP24 for development in the countryside, which does not include self-build or custom build housing.

7. The proposal would therefore be contrary to the Council's policies that govern the location of housing. Allowing a dwelling on the appeal site would undermine the spatial strategy for the District. This seeks to direct most new housing to the urban areas with only limited development within smaller settlements. Consequently, the dwelling would not be in a suitable location having regard to these development plan policies.
8. I saw that a small part of the appeal site was being used for casual domestic storage. It is otherwise an open grass paddock. While it is next to a short linear frontage of houses on one side of Down Barton Road, these houses are beyond the more built-up or in-depth arrangement of dwellings further along this road to the northeast and along parts of Summer Road to the southeast. In the other directions the appeal site faces small paddocks or large fields with extensive views over this landscape. While there is other development and uses of land nearby, or more distant and visible in views, including some single storey buildings and some reasonably large buildings, these are for agriculture, recreation or leisure use or result from the conversion of existing buildings on already developed sites in the countryside. The prevailing nature of the appeal site and the context of its immediate environs is therefore rural in character.
9. The proposal would be an urban form of development. Consequently, whilst there are bungalows of similar scale elsewhere in St Nicholas at Wade, including at the end of Summer Road, and despite that in appearance external materials would match existing nearby dwellings, its layout would unduly extend and consolidate the existing line of dwellings and detract from the inherent undeveloped rural nature of the appeal site. Moreover, the width and depth (floorplan) of the dwelling would be reasonably large and the resulting residential plot would be appreciably wide. The layout of the proposal would therefore be at odds with the layout of these existing houses and gardens in these regards. The extent and details of proposed landscaping shown in the appellant's plans is reasonably limited. Nonetheless, more extensive landscaping would not mitigate these negative effects of the development.
10. The height and density of existing planting within and around the edge of the allotment on one side of the appeal site would screen a side elevation of the bungalow in views from further along Down Barton Road. However, despite its relatively low pitch and ridge, and the gentle slope of the land, the roof would remain visible. Moreover, there are no existing natural features of any substance along the front and rear boundaries of the appeal site. The bungalow would therefore be clearly seen as a discordant feature in immediate views from the road at the front and on the approach from its junction with Summer Road. It would also be observed as such in longer distance views to the rear from the end of Summer Road and from the closest parts of the public right of way (to Sarre) and the separate public bridleway (to the A28 Canterbury Road) to the south. I saw that these views are not obstructed by intervening natural features, including landform, or by buildings or structures.

11. The appeal site is within an undulating chalk farmland Landscape Character Area. The openness and undeveloped character of the farmland and long distance views contribute to the area's essentially distinctive rural character and to the distinctiveness of the District as a whole. However, by its very nature, the appeal proposal would not respect the open landscape character and would intrude significantly in important public views, so would conflict with LP Policies SP24 and SP26. Overall, the proposal would harm the character and appearance of the area.

Other Matters

12. The Council did not object to the details of access and nor do I. A passing place would improve vehicle movement in this part of Down Barton Road, albeit that it would nonetheless be a modest localised benefit.
13. The appellant has referred to some personal aspirations in this appeal. While I sympathise with the appellant in these regards, the development would remain long after these circumstances have ceased to be material. These considerations are therefore a neutral factor in my decision. On the evidence before me, the appeal site is within an area of significant archaeological potential. The Council agrees that a planning condition could secure archaeological assessment, evaluation and any necessary mitigation, were I minded to grant outline planning permission. I have no reason to disagree and the absence of harm in this regard is also a neutral factor in my decision.
14. I saw some new houses under construction along one side of Summer Road, near its junction with Down Barton Road. I have no details of that development before me, including whether the site is within the defined village confines. In any event, it does not have any meaningful visual or physical context with the appeal site and the circumstances of that scheme and its effect on the character and appearance of the area are not directly comparable to this appeal. With regard to a new bungalow at Huckleberry Farm, further along Down Barton Road, I note that in granting planning permission the Council considered that it had limited impact on long distance views. It can therefore be distinguished from the appeal proposal. I also appreciate that the appellant considers the proposal overcomes the Council's objections to previous development on the appeal site and that there were no local resident or Parish Council objections, indeed, some letters of support. However, I have considered this appeal on its individual planning merits.
15. The Council has referred to the 'Thanet Coast and Sandwich Bay' Special Protection Area and to the appellant having made a requisite financial contribution for mitigation measures by way of a unilateral undertaking. However, as I intend to dismiss the appeal, there is no need for further consideration to be given to this matter.
16. The Council agrees that it has not met the Government's 2020 Housing Delivery Test² (the HDT). The HDT measurement shows that over the previous 3 years the Council's delivery of housing was 54% and substantially below (less than 75%) the housing requirement. As a consequence, by virtue of footnote 8, Framework paragraph 11(d) is engaged such that the policies which are most important for determining the application are out-of-date. Given the significant

² Published in January 2021.

variance in these percentages the provision of additional housing in the District is, in general terms, a matter that should be given considerable weight.

Planning Balance and Conclusion

17. The adverse impacts of the appeal proposal relate to the unsatisfactory location of the development and its harmful effect on local character and appearance. It would also conflict with relevant development plan policies. The LP is relatively recently adopted and the planning system should be genuinely plan-led. The appeal proposal would diminish the Council's overall strategy for the location of housing development, contrary to the expectations of the Framework.
18. I acknowledge the Government's objective to significantly boost the supply of homes. While in some cases the housing delivery position might require a different approach to development outside village confines, this proposal is only for one dwelling and this benefit would have only a modest positive impact on total housing supply. Similarly, the other social and economic benefits associated with building and occupying a single new property, and in this case providing a passing point, would be small. The Framework also recognises the intrinsic character and beauty of the countryside.
19. Given that the relevant LP policies are broadly consistent with the Framework, the conflict with the Council's spatial strategy for housing and the harm to the character and appearance of the area are matters of considerable weight. These therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
20. The proposed development would not accord with the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR