



Appeal Decision

Site visit made on 10 August 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2021

Appeal Ref: APP/Z2260/W/20/3262090

Land north west of Mannock Drive, Manston Road, Ramsgate CT12 5DG

- 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 M Sturge of Premier Construction Ltd against the decision of Thanet District Council.
 - The application F/TH/20/0208, dated 12 February 2020, was refused by notice dated 29 May 2020.
 - The development proposed is the erection of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Thanet District Council Local Plan to 2031 (the 'Local Plan') was adopted on 9 July 2020, after the Council's decision but before the submission of the appeal. I have taken account of the adopted Local Plan in my decision.
3. A unilateral undertaking has been submitted to secure a financial contribution towards measures to avoid adverse impacts on the Thanet Coast and Sandwich Bay Special Protection Area and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest. I comment further on the undertaking in my reasoning.
4. During the course of the appeal, the National Planning Policy Framework (the 'Framework') was revised. Both main parties were given the opportunity to comment on the revised version in so far as it relates to the appeal.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - sites of ecological value.

Reasons

Character and appearance

6. Development along the southern side of Manston Road is set back from the road frontage with open space between it and the highway. The recent estate development off Mannock Drive maintains the broad open space between dwellings and the road, reflecting this characteristic layout feature along that side of the road. The sense of space that the open land provides benefits the

character and appearance of the area and provides a degree of transition to the countryside to the west.

7. The proposed development is an alternative scheme to one that was dismissed on appeal in October 2020¹. It differs in having somewhat smaller dwellings positioned further away from Manston Road and closer to the dwellings in Mannock Drive and Gilmour Drive.
8. While the 3 proposed dwellings would be further away from Manston Road than the previous scheme, they would be sited in front of the building line established by the development off Mannock Drive and they would still erode the sense of space that the open land provides. The provision of additional planting would not hide the intrusive nature of such development, which would be apparent from views at the junction with Mannock Drive and in views from Manston Road. It would consequently fail to overcome the concern expressed on the previous scheme.
9. Permission has been granted for residential development on the other side of Manston Road, set away from the highway approximately the same distance as that proposed in the current appeal scheme². However, the northern side of Manston Road does not exhibit the same characteristic open space as does the southern side, and therefore can be distinguished on that ground. The layout of the permitted scheme also differs in that the dwellings would front onto the road in contrast to the appeal scheme where 2 of the proposed dwellings would turn their backs to the road, with rear gardens adjacent to the reduced landscape belt. This form of layout is poorer because it would be less secure, provide less surveillance and present rear elevations to public view.
10. I conclude that the proposed development would harm the character and appearance of the area, and as a consequence would conflict with Policy SP24 of the Local Plan, which seeks to protect the countryside and requires development to respect the character of the local area. Policy SP24 supersedes former saved Policies D1 and CC1 of the Thanet Local Plan 2006, which are no longer extant.

Ecology

11. The site lies within the zones of influence of the Thanet Coast and Sandwich Bay Special Protection Area and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest, which are recognised as sites of national and international ecological importance for their migratory bird populations. The development, when taken in combination with other residential development, could have an adverse impact arising from additional recreational pressure. The appellant is willing to contribute to an agreed management and monitoring plan aimed at mitigating that impact, and has submitted a unilateral undertaking which would, in principle, secure the appropriate contribution.
12. The Council has raised concerns with some detailed parts of the undertaking, including the lack of signatures and the lack of land registry title. While it is likely that these legal shortcomings could be resolved, given my decision I have not sought to have the undertaking completed or carry out my own appropriate assessment as it would not affect the outcome of the appeal.

¹ APP/Z2260/W/20/3246656

² OL/TH/18/1348

Planning Balance

13. There are benefits arising from the development, which would include the addition of 3 dwellings to help meet housing demand and a temporary economic benefit during the construction period.
14. The Council has recently adopted a Local Plan that identifies land for new housing to meet housing needs. Policy SP03 requires an early review of the Plan, which is now underway. The review is intended to identify development needs up to 2040, including housing provision as currently set out in Policy SP13, in a planned manner rather than through ad hoc development. Given the planned approach to development in the area, the additional dwellings are of limited benefit.
15. I have found that the development would cause harm to the character and appearance of the area, and as a result would conflict with Policy SP24 of the Local Plan. Notwithstanding the need for an early review of that Plan, or the limited benefits identified above, I consider that the proposed development would conflict with the development plan when taken as a whole.
16. The Council acknowledges that it has not met its most recent housing delivery test. In such circumstances, paragraph 11 of the Framework requires planning permission to be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
17. I consider that the adverse impact of the development on the character and appearance of the area would significantly and demonstrably outweigh the limited benefits. The 'tilted' balance provided by paragraph 11 of the Framework, which is a material consideration, is therefore not sufficient in this case to outweigh the conflict with the development plan.

Conclusion

18. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR