



Appeal Decision

Site visit made of 20 July 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/X2220/W/21/3274590

Land to the south of East Street Farm, East Street, Ash, CT3 2DA

- 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 J. Smith against the decision of Dover District Council.
 - The application Ref 20/01388, dated 23 November 2020, was refused by notice dated 9 March 2021.
 - The development proposed is the demolition of three existing buildings and the erection of two detached dwellings together with car barns and landscaping (utilising the existing access).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (NPPF). Accordingly, and in light of the reference made to the previous iteration of the NPPF within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and
 - Whether the site is a suitable location for new housing, having regard to the development strategy.

Reasons for the Recommendation

Character and Appearance

5. The appeal site comprises a hard surfaced storage yard containing three cold store buildings located within a small hamlet situated to the north of the A257
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and to the west of the village of Ash. The hamlet consists of a cluster of approximately ten dwellings on East Street, a narrow single lane road, surrounded by open farmland and small parcels of woodland. There is no clearly defined built form within the hamlet, as I observed a mix of architectural styles. Nevertheless, the hamlet is typified by an informal pattern of development, with relatively modest properties set within large plots.

6. The existing storage buildings are oriented towards the road and are finished with metallic sheeting giving them a utilitarian appearance. The large buildings and the area of hardstanding to the front give the site an austere and functional look. Sites such as these are not unusual in rural areas and tie-in to some extent with the character and appearance of the countryside.
7. The boundaries of the appeal site are mostly vegetated and abut low-lying residential buildings finished with black feather edge cladding to the north-east and East Street Farm to the south-west which is comprised of a mix of converted single-storey farm buildings and a larger two-storey barn-like residential dwelling.
8. Whilst I accept the proposal would reduce the amount of hard surfacing and built form within the site as a result of the demolition of the cold store buildings, the height of the proposed houses would nevertheless appear excessive in the context. Indeed, as highlighted by the appellant, the ridge heights of the proposed dwellings would be 1.5m higher than the existing buildings. I find the resultant height and scale of the dwellings would substantially increase the visibility and prominence of development and built form on the appeal site within the street scene, and also the surrounding area.
9. I acknowledge the properties on the opposite side of East Street are two-storey and note the sizeable, converted barn to the south west of the site. However, although I have had regard to the appellant's contention that the scheme has been designed as a transitional response to the scale of existing development, the buildings closest to the site are relatively low-profile in character, appearing as converted farm buildings. Within this setting, the proposed development would dominate these nearest buildings and harm the surrounding context.
10. Turning to the detailed design, the proposed dwellings would be of a relatively standardised suburban appearance and feature an overly domesticated front yard area with two large double garages. The two properties would also be almost identical in appearance when viewing their front elevations, giving the site a rigidly uniform appearance uncharacteristic of East Street and the surrounding countryside. Whilst I note that the proposed dwellings would feature some architectural elements that reflect the rural vernacular, such as the hipped barn roof of the proposed house on plot 2, I find these elements are too scarce to give the dwellings a sufficiently rural appearance that would tie-in with the discreet rural profile of the converted farm buildings directly adjacent to the site, on the eastern side of East Street.
11. I have had regard to the appellant's contention that there would be a high probability that the appeal site would become disused and derelict if the redevelopment of the site did not take place and would deteriorate into a worse condition than is currently the case. However, whilst I acknowledge the appellant's point and that the existing buildings are not representative of the *Kent agricultural vernacular*, I am not persuaded on the basis of the evidence

of the certainty of such a situation arising. I have not therefore attached any significant weight to this contention.

12. I therefore find that the proposal would be poorly related to its context and erode the prevailing character and appearance of the area. In light of this, the proposal would conflict with Policy DM15 of the Dover District Core Strategy (the 'Core Strategy') and the NPPF which together seek to ensure proposals are well-designed and do not adversely affect the character and appearance of the countryside.

Suitable Location

13. The appeal site is located outside of the defined settlement confines of Ash where Policy DM1 of the local plan requires development to be specifically justified by other local development policies, or functionally require such a location, or be ancillary to existing development.
14. Policy DM11 seeks to restrict travel demand in areas outside of urban or rural confines. There are no shops, facilities or schools within easy walking distance of the site and the route to the nearest village of Ash via East Street is not practical for pedestrians or cyclists as it is a poorly lit narrow country lane with no footway. Although there is a public footpath that provides access to a bus stop on the A257 by-pass road, it is likely that it would only be used intermittently by the future occupants. Due to the relatively isolated nature of the site and poor access to sustainable transport solutions therefore, the occupiers would be mostly reliant on the private car.
15. Notwithstanding this, I am minded to consider the fact that the existing lawful use of the site is a storage and distribution facility not restricted by hours of operation or controls preventing HGV traffic movements. On balance, I find that the proposed residential use of the site would not lead to an unacceptable increase in traffic movements to and from the site given the current use of the site.
16. Whilst the proposal would not conflict with the aims of Policy DM11, it would not adhere to the development strategy as outlined in Policy DM1. I am mindful, however, that Policy DM1 is out of date and not wholly consistent with the NPPF, as acknowledged by the Council. I can therefore only attribute a minimal amount of weight to Policy DM1.

Other Matters

17. East Street Farmhouse is a Grade II listed building located to the south-west of the appeal site, on the opposite side of East Street. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building and find that the proposal would not be harmful given the separation distance between the buildings.
18. The Council has highlighted that the appeal site is located within one of the catchment areas for the Stodmarsh Lakes Designated Sites, as set out in the Natural England Advisory Note published in July 2020 provided to me as an appendix to the Council's appeal statement. The submissions state that high levels of nitrogen and phosphorous in this water environment, thought to be largely linked to wastewater from existing housing and agricultural sources, are leading to harmful eutrophication. However, although I am mindful that there is

a general lack of assessment of the effects of the development in this regard, this is not a matter which was subject to the refusal of planning permission. In the absence of any conclusive evidence, I do not find that any consideration of the matter would positively weigh in support of the proposed development, and due to my conclusions on other matters, the issue has not been determinative in this instance.

19. The appellants signalled their intention to install a *Wavin 'Aquacell'* cellular soakaway structure which would reduce surface water run-off at the site. This would attract some limited weight in support of the proposed development.
20. Furthermore, I have no specific detail or figures to enable me to quantify the number of potential traffic movements should the existing lawful storage business resume. However, I accept that the proposed change of use would reduce HGV movements and limit the potential for traffic congestion on East Street and nearby roads.

Planning Balance and Conclusion

21. Paragraph 11 d) of the NPPF requires decision makers to apply a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
22. Whilst both parties agree that the Council can demonstrate the required 5-year housing land supply, the appellant contends that there has been a significant under-delivery of housing in the district in the past few years. This contention is supported by references to the Housing Delivery Test (HDT) conducted in February 2020. It indicated a deteriorating provision and therefore the appellant suggests this situation should weigh in favour of the development. I have not been provided with the latest figures on this matter and cannot conclusively determine that the 'tilted balance' should apply based solely on an erosion of the housing delivery. Notwithstanding this, as the Council consider that the Core Strategy is considered to be out-of-date with reference to Policy DM1 and the definition of settlement boundaries, with its policies not wholly consistent with the NPPF, the tilted balance and the presumption in favour of sustainable development does apply in this instance.
23. The proposal would create two additional dwellings in the district on previously developed land, and thus make a contribution, albeit small, to the supply of housing in the area. The proposal would also have some limited economic benefit by generating tax revenue, new homes bonus, and local employment. Furthermore, the use of energy efficient construction techniques and methods would contribute toward the environmental objective outlined in the NPPF, which must also attract some limited weight. The change of use would also reduce surface water run-off and the potential for traffic congestion, both these points attracting limited weight. Considering the benefits of the proposed development on a cumulative basis, I have therefore attached limited weight in support of the proposed development.
24. Nevertheless, for the reasons set out above, I find that the proposal would be poorly related to its context and adversely impact the character and

appearance of the area. As a result of this harm, the appeal proposal would be in conflict with the NPPF.

25. The adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole. There are no material considerations which lead me to determine the appeal otherwise than in accordance with the development plan. Accordingly, the proposal would not comprise sustainable development.

Recommendation

26. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR