



Appeal Decision

Site visit made on 23 November 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/E2205/W/21/3276652

Newlands, Redbrook Street, Woodchurch TN26 3QR

- 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 and Mrs Dehara against the decision of Ashford Borough Council.
 - The application Ref 21/00343/AS, dated 24 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is a new four bedroom two storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements of it remain the same as the previous version with regard to the main issue of this appeal.

Main Issue

3. The main issue is the principle of the proposed development with specific regard to access to services and facilities.

Reasons

4. In the interests of encouraging sustainable patterns of new development and access to services and facilities, Policies SP1, SP2 and HOU5 of the Local Plan² generally seek to avoid development, including new residential development, in the open countryside. Such development is therefore directed to defined settlements or close to the existing built-up confines of such settlements. This approach is broadly reflective of the Framework.
5. The appeal site is located in open countryside, approximately 2km to the north west of the village of Woodchurch, which is the nearest settlement that is identified in Policy HOU5. A key factor in assessing whether a site is considered to be close to the existing built-up confines of a settlement is whether it is within easy walking distance of services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services.

¹ National Planning Policy Framework (2021)

² Ashford Local Plan (2019)

6. It is stated that there is a bus stop some 900m to the east of the appeal site, although I have no details as to the frequency of services. Whilst Redbrook Street has a relatively straight alignment, there are no segregated footpaths and thus getting from the appeal site to catch the bus would entail walking along the road or the verge. This is not an overly attractive proposition to many people. A lack of street lighting would make such options particularly unattractive during the winter months.
7. These same factors would apply to walking to Woodchurch via Redbrook Street and Bethersden Road or via the network of public footpaths. The appellants describe the public footpath route to Woodchurch as being a 'pleasant 20-minute walk' but having observed the stile and part of the route from Newlands Road, it is unlikely that future occupiers would regularly walk this route to access local services and facilities. A cyclist with the fitness, confidence and proficiency for this mode of transport would be able to travel to Woodchurch or further afield but I do not consider this to be a realistic alternative to a private motor vehicle when seeking to access a range of services.
8. Whilst it may be possible to access local services and facilities by public transport, walking or cycling, the location of the appeal site would not maximise opportunities for their use. Therefore, in the absence of easy, usable or practical alternatives, I must conclude that future occupants of the appeal site would be likely to rely on the use of a private motor vehicle when seeking to access services and facilities.
9. The principle of the proposed development with specific regard to access to services and facilities is therefore unacceptable. Accordingly, it would conflict with Policies SP1, SP2, HOU5 and HOU10 of the Local Plan, and the provisions of Paragraphs 69 and 120 of the Framework, which among other things, both seek to restrict inappropriate development in the open countryside and promote development that is accessible to local services through sustainable modes of transport.

Other Matters

10. The appellants indicate that the site would represent previously developed land. The Framework acknowledges that such land can sometimes provide the basis for redevelopment in the open countryside. In such circumstances, Policy HOU10 of the Local Plan would be applicable. This policy requires the development of residential gardens to accord with, among other things, Policy HOU5. As I have found the proposal to be in conflict with Policy HOU5, the weight I can give to the site being previously developed land is limited.
11. Factors cited in support of the proposal include the absence of harm to neighbours or the occupants of Newlands, the building's vernacular design, as well as the ecological mitigation and enhancement measures. However, such factors would represent a lack of harm which would accordingly be neutral in any balance. The appellants also point to the support of the Parish Council. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case.

12. I note that the proposed dwelling is intended for family members. The Planning Practice Guidance³ advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.
13. The dwelling is said to be a self-build project, something to which the Government attaches importance. However, I have not been provided with any details regarding the supply or demand for such housing in the area. Furthermore, there are no details as to how it would be secured were the appeal to be allowed. I therefore attach limited weight to this issue.
14. My attention has been drawn to permissions granted by the Council at another site along Redbrook Street. I have not been given the full details but from the extract provided, it appears to be the case that the site was considered to constitute brownfield land. This may have had a bearing on the weight the Council gave various factors in its decision. Therefore, I cannot be sure that these decisions represent a direct parallel. In any case, I have determined the appeal on its own merits.

Planning Balance

15. Both main parties acknowledge that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Accordingly, I must have regard to paragraph 11 of the Framework. In this context the most important policies are considered out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
16. The Government's objective is to significantly boost the supply of housing. The proposal would also accord with the Framework's support for windfall sites. However, given the small scale of the proposal, the provision of this additional house would attract only modest weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
17. Conversely, the appeal site is not well located in terms of its accessibility to local services and facilities and will necessitate the use of a vehicle. The development plan policies in this regard are consistent with the Framework's approach towards sustainable locations and transport. The harm I have found in relation to the principle of the development with specific regard to access to services and facilities is worthy of substantial weight that would significantly and demonstrably outweigh the benefits associated with the proposed development.
18. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan.

³ Paragraph: 015 Reference ID: 21a-015-20140306

Conclusion

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

Stewart Glassar
INSPECTOR