
Appeal Decision

Site visit made on 24 November 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/A2280/W/21/3269466

**The Windmill Inn, Ratcliffe Highway, Hoo St Werburgh, Rochester
ME3 8QB**

- 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 Ms Deborah Carson against the decision of The Medway Council.
 - The application Ref MC/20/1647, dated 9 July 2020, was refused by notice dated 13 November 2020.
 - The development proposed is construction of 2x three bedroom detached bungalows with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in July 2021. The main parties had the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. The proposal follows a previous dismissed appeal¹ at the site for the erection of 3no detached dwellings including garages. In comparison to the previous appeal scheme, the proposal would reduce the number of proposed dwellings from 3 to 2 and revise the scale of the buildings from 2 storeys to single storey. Whilst I have had regard to the previous appeal decision as a material planning consideration, I have determined the current proposal on its own merits.
4. The proposal also follows a previous planning permission at the site for the erection of a single storey motel². The information before me indicates that this has not been implemented.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

¹ Appeal Ref. APP/A2280/W/19/3240114

² Planning application Ref. MC/15/4128

Reasons

6. The appeal site comprises a hard-surfaced car park and grassed area associated with the Windmill Inn public house. It lies between Ratcliffe Highway to the front and the A228 to the rear. The appeal site is located in the countryside outside a defined settlement. The nearest settlement is Hoo St Werburgh, which is located to the north-east of the site.
7. The Medway Landscape Character Assessment 2011 (the LCA) indicates that the appeal site is within the Deangate Ridge Character Area (the DRCA), which is characterised by its distinctive open countryside, high sensitivity, and its function as a landscape buffer between Chattenden, Lodge Hill and Hoo St Werburgh. The previous Inspector agreed with the characterisation set out in the LCA and stated that the buffering function is particularly important insofar as it relates to the separation of Hoo St Werburgh from Chattenden, each of which is undergoing expansion through housing development at their edges. I see no reason to take a different view. The two settlements are linked by Ratcliffe Highway, and the buffering role provided by the land within the DRCA is clearly evident when travelling along the road.
8. The Windmill Inn is sited in an isolated and exposed location around the crest of Deangate Ridge in the DRCA between Hoo St Werburgh and Chattenden. There are some sporadic buildings along Ratcliffe Highway, and the A228 is a physical and audible feature, however the surroundings predominantly consist of open land in the countryside, providing a rural character.
9. I appreciate that the number and scale of proposed dwellings has been reduced compared to the previous appeal scheme. In this regard, the proposal would not appear as visually intrusive. Nevertheless, whilst the proposed block plan indicates new planting around the site boundaries, there are few details in relation to this. On the basis of the evidence before me, I find that the proposed dwellings would be perceptible in the public realm, particularly from Ratcliffe Highway. Despite that the buildings would be single storey, they would have a sizeable mass and introduce a domestic appearance that would suburbanise the site. In these respects, the proposal would harm the rural character of the area, visibly eroding the buffer between Hoo St Werburgh and Chattenden.
10. Furthermore, the angled siting of 'Dwelling 2' would have a poor relationship with the Windmill Inn and the public realm. The design of the proposed dwellings is unremarkable and would not represent high quality. In particular, the front elevation of 'Dwelling 1' would create an un-balanced and sub-standard appearance due to its elongated length and poor fenestration arrangement. I do not have sufficient certainty that conditions to require the submission of a landscaping scheme and details of amended elevational details would overcome my concerns.
11. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless specific circumstances apply (none of which are relevant to this proposal). The Framework does not define isolated, however I consider that this should be taken to mean remoteness from a settlement rather than from other buildings. The previous Inspector found that the Windmill Inn is physically isolated, and I agree. The isolated location of the proposed development away from a settlement would exacerbate its visual intrusion on the countryside. Whilst some developments have been carried out

within the DRCA, these have been on the edge of Hoo St Werburgh in a less isolated and sensitive location. The proposal would not comply with any of the exceptions set out in paragraph 80, which indicates that planning permission should be avoided. Moreover, the proposal would not meet any of the exceptions for development in the countryside set out in Saved Policy BNE25 of the Medway Local Plan 2003.

12. I note the previous planning permission at the site for a single storey motel, however, the information before me indicates that this has not been implemented, and it is unclear whether the permission is extant. Therefore, this does not represent a fall-back position. Details of the circumstances that led to planning permission being granted are not before me, and planning proposals should be considered on their own merits, which I have done in this case. In any event, the motel use would have appeared closely related to the existing public house and would not have caused the same degree of suburbanisation as domestic residential dwellings. Furthermore, the proposed dwellings would be spread more across the site and their siting would have greater prominence in relation to Ratcliffe Highway. I therefore attach limited weight to this consideration.
13. I have had regard to the appellant's reference to the Council's consultation document 'Planning for Growth on the Hoo Peninsula', which sets out considerations for potential growth on the Hoo Peninsula. The Council is in the process of making a new Local Plan, however there is no evidence before me to show that the site is proposed to be identified in the Local Plan as a housing land allocation. Even if there were proposed changes, given that the emerging Local Plan has not been subject of examination, this consideration carries minimal weight.
14. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. It would therefore be contrary to Policies BNE1 and BNE25 of the Medway Local Plan 2003, which state that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment; and, development in the countryside will only be permitted if, amongst other things, it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside.

Other Matters

15. The previous Inspector stated that it is most likely that future occupants of the development would find private vehicles to offer the most easy and attractive means of accessing services in Hoo St Werburgh. However, he commented that future occupants would not be wholly or heavily reliant on private vehicles given the fact that other travel options exist. Though subject to various limitations they nonetheless offer the potential for use. The Inspector concluded that the site would not be an unsuitable location for development with regard to access to services via a range of transport modes. I see no reason to take a different view. This matter, however, would not alter my findings regarding the main issue.
16. The proposed development would be located within the 6km Zone of Influence of the North Kent Marshes Special Protection Area (the SPA) and Ramsar. The SPA is a designated habitat site which is subject to statutory protection under

the Habitat Regulations³. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Habitat Regulations indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Planning balance and conclusion

17. The appellant states that the Council is unable to demonstrate a deliverable 5 year housing land supply, which is not disputed by the Council. Furthermore, the Housing Delivery Test results published 19 January 2021 show that the Council has a measurement of just 55% of homes delivered against its requirement over the previous 3 years, which represents a substantial shortfall. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 8 of the Framework. Paragraph 11(d) ii of the Framework is therefore engaged.
18. Paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of housing. The proposed development would provide two dwellings, which would make a small contribution towards the supply of housing in the district. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 69 of the Framework. The proposal would also create some employment at the construction stage, although this would be relatively short lived and so a limited benefit. The occupiers of the proposed dwellings would provide some support to local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposal. Taking the benefits together, and for the reasons I have given, I would afford them moderate weight.
19. The appellant states that the Council has not made adequate provision for self-builders. Local authorities have a duty to keep a register of people seeking to acquire serviced plots within the area for self-build and custom house building projects, and to grant enough planning permissions to meet the identified need. The appellant states that one dwelling would be for self-build. Nevertheless, in the absence of a legal agreement before me, there is no mechanism to guarantee that the proposal would meet the statutory definition⁴ of self-build or custom housebuilding and it could be constructed as a regular market dwelling. In view of this uncertainty, whilst the addition of housing would be a limited benefit, in these circumstances little weight can be given to the appellant's reference to the self-build aspect of the proposal.
20. Paragraph 124 of the Framework states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, amongst other matters. In this case, whilst the proposal would make a contribution of two dwellings towards housing supply, it would cause significant harm to the character and appearance of the area and so the environmental role of sustainable development would not be achieved. The Framework sets out the

³ The Conservation of Habitats and Species Regulations 2017

⁴ See Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. Consequently, I afford significant weight to the harm to the character and appearance of the area and the associated conflict with the development plan.

21. Even if I had found that the proposal would avoid an adverse effect on the integrity of the SPA, and hence that there was not a clear reason for refusing the development proposed, I conclude that the identified adverse effects of the proposal would significantly and demonstrably outweigh the benefits outlined above, when assessed against the policies in the Framework taken as a whole.
22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR