
Appeal Decision

Site visit made on 30 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2022

Appeal Ref: APP/V2255/W/21/3269600

Danedale Stables, Chequers Road, Minster on Sea, Kent ME12 3SJ

- 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 Sted-Smith against the decision of Swale Borough Council.
 - The application Ref 19/505353/FULL, dated 28 October 2019, was refused by notice dated 16 November 2020.
 - The development proposed is erection of 5 no. four bedroom detached dwellings with associated garages, parking spaces and private amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

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

Reasons

Policy Context

4. Policy ST1 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) requires sustainable development to achieve good design through reflecting the best of an area's defining characteristics.
5. Policy ST3 sets out the Swale settlement strategy which requires development outside of the defined built up area boundaries to demonstrate that it would contribute to protecting and enhancing the vitality of rural communities.
6. Policy ST6 sets out the Isle of Sheppey area strategy and amongst other things requires development proposals to ensure that they are appropriate to landscape character and quality.
7. The site lies outside of the defined settlement boundary for Minister-on-Sea and therefore the proposed development is required to demonstrate that there would be no harm to the sites rural landscape setting.

8. These policies are intended to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries provided that the landscape character and appearance of the rural area is protected or enhanced.

Character and appearance

9. Chequers Road is characterised by residential development fronting the road, with in depth development accessed off this primary route. The site is currently rough scrub and grass with a large stable block located close to the access to the site and is enclosed by hedging.
10. Views of the site from the road are partially restricted by the existing hedge and established trees, nevertheless where views can be afforded, the site appears part of the open countryside which extends beyond the appeal site. The site provides a visual separation between the existing built development and contributes to the open rural nature which is experienced beyond the appeal site. Therefore, there would be a degree of urbanisation and countryside encroachment through additional housing.
11. The appellant's Landscape and Visual Impact Assessment (LVIA) accepts that the magnitude of landscape change when viewed from Chequers Road is medium, where there would be partial loss or damage to key characteristics, features or elements. The LVIA goes on to assess the Landscape Quality as low-medium quality due to the presence of the existing built form and also the visibility of the development currently under construction. However, I would put the landscape quality as medium (rather than low-medium), as it is a pleasant landscape with few detractors.
12. The LVIA notes that the sensitivity to change of the appeal site would be medium-low. It notes that the proposal would be seen against the backdrop of the adjoining development and I agree that the presence of this does enable the landscape to accommodate a degree of change. Furthermore, the development of the site would result in the infilling of the existing gap between 189 Chequers Road and the development under construction and together the proposed development would appear part of the linear development which extends along Chequers Road.
13. Notwithstanding the above, the proposal would be prominent when viewed from Chequers Road. This is because the proposed development would lead to the introduction of five two storey detached dwellings with associated garages. The proposed dwellings would be sizable in terms of their footprint and overall scale, comprising 4 bedroom dwellings. The ridge heights of the proposed dwellings would increase across the site having regard to the existing topography. The submitted street elevation demonstrates how these would exceed the heights of the adjacent buildings currently under construction.
14. As a result, the proposed dwellings would not respond positively to the character and appearance of the area and would be more visually intrusive than the existing stable block. As a result of its overall scale and massing the development would compete visually with the neighbouring dwellings under construction. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be harmful to the character and appearance of the surrounding area.

15. The introduction of the proposed dwellings into the site would therefore fail to demonstrate that there would be no harm to the sites rural landscape setting. The development would be harmful to the landscape character and quality of the area and conflict with policies ST1, ST3 and ST6 of the LP as set out above. This significant, permanent environmental harm to the character and appearance of the area is a matter which weighs heavily against the proposal.
16. It would also fail to accord with CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited. It would also conflict with policy DM24 of the LP which requires non-designated landscapes to be protected and enhanced.

Other Matters

17. It would appear that the appeal site falls within a 'Zone of influence' for a designated site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
18. There is also reference to the conduct and advice of the Council and its officers during the planning application process. However, these are not matters for my deliberation in the context of a planning appeal.

Planning Balance

19. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with evidence putting the shortfall at between 4 and 4.7 years. Therefore, paragraph 11d of the Framework is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
20. Taking into account the current shortfall five dwellings would provide a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
21. The site is well located in terms of its proximity to services and is of a scale appropriate to the size of the existing settlement and as such lies within a sustainable location. The access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised, or that local infrastructure would be unable to meet the needs of the development. The development would give rise to some economic benefits during the construction phase and provide limited support to local services.
22. Chapter 12 of the National Planning Policy Framework sets out the importance of achieving well-designed places and paragraph 130 states that planning decisions should ensure that development adds to the overall quality of the area and are sympathetic to local character. Paragraph 134 states that development that is not well designed should be refused.

23. Therefore, the identified adverse impacts of the development in respect of character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

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

G Pannell

INSPECTOR