



Appeal Decision

Site visit made on 22 March 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/L2250/W/21/3281948

The Granary, Densole Lane, Densole, Kent CT18 7BL

- 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 Claire Olsen against the decision of Folkestone and Hythe District Council.
 - The application Ref 21/0653/FH, dated 24 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is detached garage with holiday let over.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage with holiday let over at The Granary, Densole Lane, Densole, Kent CT18 7BL in accordance with the terms of the application, Ref 21/0653/FH, dated 24 March 2021, subject to the conditions in the schedule to this decision below.

Preliminary Matters

2. During the course of the appeal the Council have adopted the Core Strategy Review. However, the main policies to which this appeal relates are not affected by the adoption of this document.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the Kent Downs Area of Outstanding Natural Beauty (the AONB) and the North Downs Special Landscape Area (the SLA).

Reasons

4. The site is located on the eastern edge of Densole Lane where the village transitions into the open countryside beyond. The character of the appeal site is rural and characterised by its extensive open space and open views to the east. The existing buildings on the site are positioned close to the end of Densole Lane and close to the defined edge of the village.
5. The proposed development would be positioned further north than the existing stable block and would broadly align with the developments on the northern side of Densole Lane. While the building would comprise two storeys, due to its low eaves level and modest sized dormer windows and rooflights, the first floor accommodation would appear as a subordinate part of the building. The scale of the development would also generally adhere to that of buildings on the northern side of Densole Lane, which include chalet style bungalows.

6. The overall height and eaves level of the proposed building would be notably lower than the host building of The Granary, and the first floor accommodation would not be visually prominent. As a result, in my view, it would appear subordinate to the main property, which by comparison, has a visually prominent first floor level with raised terrace, extensive glazing and gable roof forms above.
7. The development would include a large expanse of glass to its eastern end, which may experience visibility from a wider area, particularly when lit at night. However, much of its visual impact would be screened by the surrounding trees and foliage, and in any event it would be set against the backdrop of the existing houses on Densole Lane. For these reasons the treatment of the gable end would not cause visual harm.
8. In light of the development's scale, positioning and design, I find that the development would adequately respect the form and character of the developments that surround it, and that it would integrate successfully into the edge of the village. It would not therefore cause harm to the character and appearance of the area and would both conserve and enhance the special landscape character of the AONB and SLA.
9. In coming to the above views, I am mindful of the appeal decision of July 2021¹ relating to a similar development proposal on the site. However, given the reduction in the footprint, height and design of the proposed development, I am satisfied that the concerns of the previous Inspector have been adequately addressed.
10. For these reasons the development complies with Policies HB1 and NE3 of the Folkestone and Hythe District Places and Policies Local Plan 2020 insofar as they require development to make a positive contribution to its surroundings, respect existing buildings and that the natural beauty and locally distinctive features of the AONB are conserved and enhanced.

Other Matters

11. I have had regard to the other issues raised by third parties, including concerns relating to overlooking, loss of daylight, loss of outlook, and noise and disturbance from the future use. I note that these are matters which the Council addressed within its officer report. Based on my assessment and site visit, given the distance from the nearest residential properties, the height of the proposed building and the configuration of windows within the roofslopes, I agree with the Council's assessment and I do not find that the development would cause harm to the living conditions of the occupants of nearby properties.
12. Given the scale and nature of the development proposed, there would not be a harmful impact on local traffic conditions. With regard to the introduction of tourist accommodation, I have no reason to disagree with the Council's assessment regarding the principle of this land use on the site. Issues relating to rights of access to the site are not a planning matter.

¹ Reference APP/L2250/W/21/3271468

Conditions

13. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
14. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
15. For environmental reasons, I have imposed conditions relating to water usage, foul water drainage, improvements to biodiversity and any mitigation necessary in relation to potential contaminated land. The condition relating to foul water drainage should be satisfied prior to commencement given the sensitivity of the site in relation to ground water.
16. A condition is also imposed to secure an archaeological watching brief in line with the recommendations of the appellant's Archaeological Desk Based Assessment to preserve any potential archaeological remains which may be impacted. This should also be secured prior to commencement given the impact that early ground works could have on archaeological remains.
17. Finally, a condition is imposed to ensure the accommodation hereby approved is used for the intended holiday lets in the interests of amenity. I am not however convinced that a further condition to require the appellant to keep a register of those occupiers is necessary, given that a condition is already imposed to restrict the use.
18. The Council have also suggested conditions relating to external materials. However, as the plans adequately annotate the external materials, I consider that it is not necessary to condition these details further.

Conclusion

19. The development would comply with the development plan as a whole and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MANSE-21-017-01 rev.A, MANSE-21-017-02 rev.A and MANSE-21-017-03 rev.A.
- 3) The holiday let accommodation hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per person per day and the implemented measures to achieve this shall remain operational for the lifetime of the development, unless otherwise first agreed in writing by the local planning authority.

- 4) The development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to a foul sewer), shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of the premises shall take place until the installed scheme is confirmed as meeting the agreed specifications (and connections are made to the Southern Water network).
- 5) Prior to the commencement of works above the ground floor slab level, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This shall include clear ecological enhancements for breeding birds and bats and shall include provision of bat and bird boxes and native planting. The approved details shall be implemented prior to the first use of the building and thereafter retained.
- 6) No development shall take place until the appellant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.
- 7) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 8) The holiday accommodation hereby permitted shall only be used for holiday let purposes and shall not be used by any person or group of people for more than one month in any three consecutive months.