



Appeal Decision

Site visit made on 29 June 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/L2250/W/21/3288101

Gibraltar Farm, Gibraltar Lane, Hawkinge, CT18 7AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Ward against Folkestone and Hythe District Council.
 - The application Ref 21/1801/FH is dated 24 August 2021.
 - The development proposed is described as the erection of detached single storey annexe building for ancillary overspill accommodation to serve Gibraltar Farm.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issue

2. The Council did not issue a decision on the proposals albeit their evidence explains that had they done so, they would have refused planning permission. The application form states the development commenced on 15 April 2021. At my site visit I could see that works were well underway but not yet completed. As such I have considered this appeal on the basis that planning permission is sought part retrospectively. It is also common ground between the main parties that the appeal site is situated outside of the defined settlement boundary, by definition, this would make it in the countryside. With this and the above in mind, the main issue is whether the appeal site is a suitable location for the proposed development with specific regard to the Council's spatial strategy.

Reasons

3. The proposed development would be contained within a detached building some distance away from its intended host. It would contain provisions for self-contained, independent living including a kitchen/dining room, living room, bedroom and bathroom. Whilst the appellant has confirmed that the accommodation is required for family members to provide long term care and support to the elderly occupier of the host dwelling, it would do so without any reliance on the host building. Despite having no separate garden, defined curtilage or parking, due to its spatial separation and level of facilities, it would be read and for all intents and purpose function as a separate dwelling unit, in the countryside.
4. The development plan does have provision for annexe accommodation in the shape of Policy HB9 of the Folkestone and Hythe District Local Plan 2020 (LP). It specifically picks up on such proposals being for supervision, care and support of elderly relatives or disabled persons. In order

to control their spread, location and circumstances, there is a requirement for them to be attached to the dwelling and thus capable of being incorporated into it when the need therefore ceases.

5. Whilst the annexe in this case would comply with some of the criteria of HB9, as I have set out above, the unit would be disconnected spatially and functionally from the host dwelling by more than a marginal degree and there is no compelling evidence before me which would point to why that has to be the case. Such as, for example, why extensions to the host dwelling are not viable. I agree a side extension toward the garage may obstruct vehicular access, but I have not been provided with clear reasons as to why extensions either running off the other elevations or into the roof space would not be possible to serve the required purpose.
6. There is also no evidence before me which shows that an extension to the dwelling would be prohibitively more expensive than an outbuilding. Additionally, I accept that home alterations would come with some temporary disruption, this could be said of any home improvement. Nevertheless, I have not been persuaded that there are no other methods available to mitigate such temporary disruption to rule out an extension altogether.
7. I am satisfied there is a need for such accommodation. I have no reason to disagree with the appellant on this and, contrary to the Council's assertions, I do not agree that it would give rise to any harm to the character or appearance of the countryside in landscape terms. Indeed, this is a matter on which their evidence is contradictory. Putting aside the reasons for refusal, the Council's supporting evidence explains that the proposed development would not result in a harm to the appearance of the host site or surrounding area but at the same time that it would have an adverse impact on the quality and character of the landscape and rural setting. Even so, and in each case of harm to the character and appearance of the area is alleged, there is limited evidence pertaining to precisely why. Beyond, in the case of the latter comment, it being a new dwelling in the countryside.
8. As what would be, with the above in mind, a separate dwelling in the countryside, the appeal scheme would not sit squarely with the Council's spatial strategy. Specifically, Policies SS1 and SS3. Together, they seek to direct development to those areas that have ready access to the services on which residents would rely day to day. Those that are inherently 'sustainable' in that respect. The appeal site is situated outside of any recognised settlement limits, including the village of Hawkinge to the north. The proposed development would not fall within any of the exceptions put before me to enable new development in the open countryside.
9. I acknowledge the location of the site in relation to the village of Hawkinge. However, there is no footpath between it and the site and there is no street lighting. I have not been made aware of any public transport which serves the area. Future occupants of the development would therefore be largely reliant on the private motor car to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for new housing.
10. The appellant indicates a mobile home, which is in a poor state of repair, has been historically used as overspill accommodation, however due to its poor condition can no longer be used. The appellant suggests this could be replaced

with a new mobile home. I am not aware of the planning status of this mobile home and whether it is lawful. It is also in a very different location to the proposed development. This has limited bearing on my findings.

11. I understand an elderly occupier is in poor health. However, there is limited evidence before me in respect to the health benefits of providing the proposed development in terms of what it would be and where it would go. In the absence of compelling evidence in this respect, I can only ascribe this limited weight. I also note that overspill accommodation would provide some reassurance in dealing with anti-social behaviour and rural crime, however, I have not been provided with evidence that this proposed development is the only solution to dealing with these issues.
12. The proposed development would constitute a new dwelling in the countryside and there are no considerations before me worthy of setting aside the spatial strategy in these circumstances. The proposals would therefore be contrary to Policies DSD, SS1 and SS3 of the LP which require proposals to respect the key characteristics and special qualities of the countryside while directing new housing to existing settlements to encourage sustainable patterns of new development. There would also be conflict with Policy HB9, the aims of which I have set out above.
13. The Council have provided me with Policy NE3 which concerns itself with protecting the districts landscapes and countryside. Whilst the appeal scheme would be harmful by virtue of its location within the latter, it would not be the cause of harm in the visual or character sense, more so in terms of its principle and how it would relate to the Council's strategy for the spread of new development in the district. I do not therefore find conflict with Policy NE3.

Other Matter

14. Reference is made to other annexe accommodation elsewhere within the district; however, I have not been provided with any evidence regarding these cases. As such I cannot be certain they bear sufficient similarities to the appeal scheme such that my conclusions would change.

Conclusion

15. The proposed development would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should therefore be dismissed and planning permission refused.

N Praine

INSPECTOR