



Appeal Decision

Site visit made on 9 August 2022

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/J2210/W/21/3282594

Land adjacent The Sanctuary, Pean Hill, Blean, Kent CT5 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Terry against the decision of Canterbury City Council.
 - The application Ref CA/20/02695, dated 30 November 2020, was refused by notice dated 12 March 2021.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the 'Framework') 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.

Main Issues

3. The main issues are a) whether or not the appeal site is an acceptable location for the development proposed; b) the effect of the proposed development on the character and appearance of the area; and c) the effect of the proposed development on the integrity of designated habitats sites.

Reasons

Location

4. Policy SP4 of the Canterbury District Local Plan 2017 (the 'Local Plan') seeks to focus new housing development within the District's main settlements. Residential development is also permitted in smaller settlements and villages, subject to certain criteria. Blean is identified in the Local Plan as a local centre where the provision of new housing is supported. The appellant indicates that the appeal site lies approximately 1 mile to the north of Blean, in the open countryside.
5. The appellant describes the appeal site as being within a settlement. Regardless of this, the appeal site is not within an area where residential development is encouraged by Policy SP4 of the Local Plan. As proposed, the dwelling would not comply with the broad locational objectives for the District in terms of residential development.

6. Policy HD4 establishes circumstances where a new dwelling in the countryside could be acceptable. The appeal proposal does not meet the 4 criteria set out in this policy. However, the reasoned justification for the policy does appear to be primarily focussed on isolated dwellings and although the wording of the Policy itself is not limited solely to isolated dwellings, the categories of development stated are very similar to those set out in Paragraph 80 of the Framework, which addresses the issue of isolated dwellings. The proposed dwelling would not be isolated and therefore this policy does not appear to be applicable in this instance.
7. Policy SP1 largely reiterates the presumption in favour of sustainable development in the Framework. The Framework advises that patterns of growth should be managed in order to support, amongst other things, sustainable transport objectives. It goes on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision making.
8. In this respect, and to try to demonstrate that the site is in a suitable location, the appellant has shown that there are regular bus services from near the appeal site to Blean, which has some shops and facilities, as well as bus services to the larger settlements of Canterbury and Whitstable. There is a footpath on the opposite side of the road to the site which would provide an accessible route to the bus stops.
9. Further to the south of the appeal site, footpath users are required to cross back onto the eastern side of the road, but this footpath does connect through to Blean. The footpath appeared to be quite narrow in places. There is some street lighting along the way although in places there are large gaps between each light. These factors plus the distances involved, particularly for a round trip, would not encourage people to use the footpath especially at night, after dusk during the winter months or during periods of inclement weather.
10. I noted that the road south to Blean and Canterbury, and north to Whitstable, is an A-class, single carriageway road with a 40mph speed limit for large parts of the journey and no dedicated cycle lane. Whilst I accept that the distances involved would, in theory, be cyclable, using a bike to get to other centres does not appear to be something which would be overly attractive to many people. The limited street lighting and distances involved would be a further discouragement during hours of darkness or periods of poor weather.
11. Given that future occupiers of the proposed dwelling are likely to require access to shops, education establishments, health services and other such facilities, it seems to me that public transport or the walking/cycling options are not likely to be attractive for anything but very infrequent journeys. Accordingly, future occupiers are likely to be reliant on private motor vehicles to meet the majority of their day-to-day needs. This is the least sustainable travel option.
12. For the reasons set out above, the site would not represent an acceptable location for the development proposed. The proposal would therefore be contrary to policies SP1 and SP4 of the Local Plan which, amongst other things, seek to limit development in the open countryside and thus minimise less sustainable forms of travel when accessing local services and facilities. For similar reasons the proposal would also be contrary to the provisions of the Framework.

Character and Appearance

13. There are buildings immediately to the north and south of the appeal site, with further buildings beyond them which either stand on their own or as part of a small grouping of buildings. There is a row of three houses on the opposite side of the road and a further detached dwelling set back from the road, whose access is opposite the appeal site. Further to the south there is some housing on both sides of the road. Gaps between buildings together with the nature and scale of the existing built form allows for views between and over buildings to the open countryside beyond.
14. The pattern of development generally follows that of the road, with buildings framed by the surrounding countryside. Thus, the area generally has an open and spacious character. The undeveloped and open nature of the appeal site therefore positively contributes to this existing character.
15. The appellant argues that the site does not represent a large gap within the street scene. Furthermore, it is suggested that infilling the plot with a dwelling of the layout and scale proposed would not encroach into the countryside nor create a character of its own within the existing context. These factors would help to reduce the visual effect of the development. Nevertheless, despite the proposed position of the house relative to other development, it would be visible from public vantage points and noticeably extend the amount of built form in this location. That the land is flat would only accentuate the prominence of the proposed development.
16. Accordingly, by introducing a new two storey dwelling, together with the associated works, on land which is currently free of built form, the proposal would represent a visual intrusion when viewed from the road that would erode the open and spacious character of the area. Whilst there are factors which limit the overall scale of the harm, the development would nonetheless have an adverse effect on the character and appearance of the area.
17. I therefore find that the proposal would be contrary to Policy DBE3 of the Local Plan which, amongst other things, seeks to protect and reinforce the local character and context of an area. The proposal would also be contrary to the Framework, which, amongst other things, seeks to ensure developments are sympathetic to local character.

Designated Habitats Sites

18. The appellant has provided a signed Unilateral Undertaking (UU) dated 23 March 2022 which seeks to address the issue of recreational access to the Thanet Coast and Sandwich Bay and the Thames Medway and Swale Special Protection Areas. The appellant has also provided further information and details regarding the issue of nutrient neutrality and suggests that a Grampian condition would overcome any concerns in this regard.
19. Given my findings in respect of the other main issues, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Other Matters

20. The appellant points to a number of issues which are said to be in support of the scheme, including the absence of harm to the living conditions of neighbouring occupiers, the standard of accommodation of the proposed dwelling, the provision of on-site parking and access arrangements that are acceptable to the Highway Authority. However, these matters would be a requirement of any proposed development and so would be neutral factors in any balance.
21. Similarly, the use of conditions to ensure appropriate controls and the protection of local ecological issues would be expected. As such, they would represent a lack of harm that would be neutral in any balance.
22. The appellant has stated that the appeal scheme would comprise a custom/self-build house. 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.
23. The provision of a single dwelling may make a contribution towards supporting the services in the surrounding and wider area. However, any social or economic benefits associated with the building of a dwelling and its subsequent occupation would be limited by virtue of time and the scale of the proposal.

Conclusion

24. The proposal would be in an unacceptable location and would harm the character and appearance of the area. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
25. Therefore, for the reasons given above, the appeal is dismissed.

Stewart Glassar

INSPECTOR