

Appeal Decision

Site visit made on 23 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th September 2022

Appeal Ref: APP/L2250/D/21/3286619

Northfield, Teddars Leas Road, Etchinghill, Folkestone CT18 8DA

- 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 Richard Woolnough against the decision of Folkestone & Hythe District Council.
 - The application, Ref. 21/1684/FH, dated 3 August 2021, was refused by notice dated 8 September 2021.
 - The development proposed is the erection of a vintage car store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect on the landscape of an area designated as the Kent Downs Area of Outstanding Natural Beauty ('the AONB') and (ii) the effect on the living conditions for adjoining occupiers as regards noise and disturbance.

Reasons

3. On the first issue, the Council's concern is that the appeal scheme would have a detrimental visual impact on the landscape of the AONB. In this regard I note that Policies HB1, HB8 and NE3 of the Folkestone & Hythe District Places and Policies Local Plan 2020 ('the Local Plan') together provide an additional restraint on development over and above policies that safeguard the countryside.
 4. The above named policies are also consistent with objectives of paragraph 176 of Government policy in the National Planning Policy Framework 2021 ('the Framework'). This says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
 5. I acknowledge that an outbuilding in a residential garden is a minor development in relation to the purposes of AONB designation and also falls within the settlement boundary of Etchinghill. However, whereas existing outbuildings to the property are positioned closer to the dwelling and along the north east boundary of Northfield, the proposed building would be positioned in a more open setting in the south west part of the garden and well away from the dwelling.
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6. At my visit I saw that this area of the garden has a greater degree of visual integration with the extensive fields and AONB landscape of the open countryside to the south east. Moreover in combination with the open setting, the relatively large size of the building compared to normal domestic outbuildings and its bespoke design to facilitate its use would to some degree be perceived as incongruous to the character and appearance of this part of the AONB, which I note also has a designation as a Special Landscape Area.
7. The appellant has a fall back of permitted development for the erection of ancillary buildings that would not be significantly different to the appeal scheme. However, given the special restraints imposed by the AONB status and the fact that even the more minor developments can have an incremental effect I am unable to give this argument significant weight. As regards the photographs of other buildings in the area, whilst I have noted their substantial size it is the particular siting of the appeal building that in my view makes the proposal unacceptable.
8. On issue (i), I therefore conclude that the proposed storage building would have an unacceptably adverse effect on the AONB landscape in conflict with Local Plan Policies HB1, HB8 and NE3 and with paragraph 176 of the Framework.
9. Turning to issue (ii), the Council says that the positioning of the proposed car store at the end of the garden and close to the rear boundary of the adjoining dwelling 'Fairways' would give rise to the potential for noise disturbance for neighbours and thereby be contrary to Local Plan Policies HB1 and HB8.
10. However, the appellant already houses vintage vehicles including motorcycles in an existing outbuilding and I am satisfied that both these and the use of the proposed building comprise a personal interest or hobby necessitating long term storage. There are no doubt activities of restoration in connection with the existing and proposed storage, but there is no evidential basis for suggesting that there would be comings and goings or noise that would disturb neighbours as might occur with a non-domestic vehicle workshop.
11. On this issue I therefore conclude that there would be no adverse effect on living conditions for adjoining occupiers as regards noise and disturbance in conflict with Local Plan Policies HB1 and HB8 and this could be further ensured by the imposition of a suitable condition on a permission to preclude a workshop. However, whilst my findings on this issue are supportive of the appeal, they do not outweigh my conclusion on the first issue as regards the harmful effect on the AONB.
12. For these reasons, and on balance, the appeal is dismissed.

Martin Andrews

INSPECTOR