



Appeal Decision

Site visit made on 6 December 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/J2210/W/22/3304415

Land adj. Margaret Cottage, Pean Hill, Whitstable CT5 3BD

- 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 B Bennett against the decision of Canterbury City Council.
 - The application Ref CA/21/02951, dated 6 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is erection of 1no two-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of Location

3. The appeal site is a parcel of land positioned to the side of Margaret Cottage, which is a detached dwelling located on Pean Hill. The site is mainly mown grass bounded by fencing and mature vegetation. The main access to the site is from Pean Hill.
4. Policy SP1 the Canterbury District Local Plan (2017) (Local Plan) largely reiterates the presumption in favour of sustainable development in the Framework.
5. Policy SP4 of the Local Plan sets out the strategic approach to location of development. It identifies that the urban areas of Canterbury, Herne Bay and Whitstable as the principal focus for development together with development at the rural service centres and local centres. Policy SP4 is clear that in open countryside, development will be permitted if required for agriculture and forestry purposes.
6. Policy HD4 of the Local Plan sets out the circumstances where planning permission for new dwellings in the countryside would be granted. The proposal

would not meet these specified circumstances. As such, the proposal would conflict with Policy HD4 of the Local Plan.

7. The proposal is for open market housing that would be located outside any defined development boundary and, consequently, would be within an area of open countryside. The proposal would not be for agriculture or forestry purposes, and would not meet the specified circumstances set out in Policy HD4. As such, the proposal conflicts with the location strategy of the development plan, which aims to direct development to the most sustainable locations.
8. The appellant describes the appeal site as garden land and suggests that it should be considered as brownfield land. Nevertheless, this would not negate the need for the development to meet the locational criteria outlined in Policy SP4.
9. The appeal site is located near to existing dwellings located along Pean Hill. Given its proximity to existing dwellings, the appeal site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (Framework), which sets out that new isolated homes should be avoided in the countryside.
10. However, the appeal site's lack of isolation with regard to paragraph 80 of the Framework does not mean that the site would be reasonably accessible to services when considered in the context of other requirements of the Framework.
11. To access services and facilities, the occupants of the proposed dwelling would have to walk and cycle along Pean Hill road. As the footpaths are quite narrow in places and mostly unlit, these routes would not be attractive for use outside of daylight hours or inclement weather. Along the road, there are no dedicated cycle lanes. In addition, the road within the vicinity of the appeal site has a speed limit of 40mph, which means vehicles are likely to be travelling at fast speeds. Therefore, the route would be unsuitable for walking, cycling, children's pushchairs, wheelchair users, or people with limited mobility.
12. Although it has been raised that there is a bus service nearby, I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers. Furthermore, the absence of street lighting from the appeal site to the nearest bus stop is likely to deter occupants from using the bus service during hours of darkness. Consequently, future occupants are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.
13. Whilst working from home and delivery of shopping via online services would be available to occupants, this may not appeal to all. In addition, working from home may not be possible for all future occupiers.
14. For the reasons given, essential services and facilities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport.
15. Whilst I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also

states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It does not justify locating development in an inherently unsustainable location. Given my findings above, there would be conflict with the Framework in these respects.

16. I note the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the proposal would make a small contribution in this regard, given the scale of the scheme any such benefits would be small.
17. My attention has been drawn to a previous appeal decision Ref: APP/J2210/W/16/3155379. However, this other appeal is in a different location to the proposal before me. Moreover, the proposal has its own setting and circumstances with regard to accessibility to local services and facilities. Thus, there are differences between the two cases which make them not directly comparable. In any event, I have assessed the proposal on its merits based on the information before me.
18. As such, this site is not a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services and facilities. The proposal fails to accord with Policies SP1, SP4 and HD4 of the Local Plan. Amongst other things, these policies seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities. For similar reasons the proposal would also fail to accord with the sustainability objectives of the Framework, to which I attach substantial weight.

Character and Appearance

19. The pattern of development near to the appeal site is predominately linear in form with dwellings fronting Pean Hill road. Margaret Cottage is atypical in this context, being set back from the predominate linear form.
20. Although the proposal would be located adjacent to Margaret Cottage, the proposal would be of two-storey and would therefore appear significantly taller than the single-storey building of Margaret Cottage. As such, it would appear more prominent and visually intrusive.
21. The proposed dwelling would be positioned behind the rear building line of the existing built form that fronts onto Pean Hill road. Being undeveloped and verdant in appearance, the appeal site reads as part of the countryside beyond. Therefore, given the layout of the surrounding development and the undeveloped nature of the site, the proposal would extend built form into the more open rural land, altering the established linear built form.
22. Consequently, the proposal would urbanise the character and appearance of the site and this urbanisation, together with the reduction in verdancy of the site, would significantly harm the rural character and appearance of the site and the surrounding area.
23. Whilst the existing trees and vegetation does provide some degree of screening and additional landscaping could be secured by condition, the proposal would nevertheless be partially visible from the surrounding area. Due to the incongruity of the scale and position of the proposed development, views of the proposal would be apparent from neighbouring properties. Glimpses of it would

also be visible from the road when the vegetation and trees are not in leaf during the winter months.

24. For the reasons given, the proposal would result in unacceptable harm to the character and appearance of the area, to which I attach substantial weight. The proposal would therefore fail to accord with 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 conflict with the design objectives of the Framework, which seeks to ensure developments are sympathetic to local character.

Other Matters

25. The appellant has submitted a signed Unilateral Undertaking dated 16 May 2022 to attempt to address the issue of recreation access to the Thanet Coast and Sandwich Bay and the Thames, Swale and Medway Special Protection Areas. The appellant has also submitted a Nutrient Assessment dated 14 July 2022 that provides information regarding the issue of nutrient neutrality and such effects on the Stodmarsh Special Area of Conservation and Ramsar site.
26. However, given my findings in respect of the suitability of location and the character and appearance of the area, 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.
27. The proposal would make a small windfall contribution to the local housing supply, albeit a very limited one to which I therefore attach limited weight.
28. The proposal would play an economic role by supporting and maintaining the vitality of local services and facilities in Pean Hill and Blean and the surrounding settlements. The proposal would also contribute to local tax revenue, which in turn would support community services. The construction of the proposed dwelling would result in a small employment and economic boost to local businesses. However, these would be likely to amount to small benefits relating to just a single dwelling and therefore attract limited weight.
29. The proposal would contribute to highway safety improvements near to the site entrance. The appellant also proposes to gift the land adjacent to the highway to Kent County Council, to increase the amount of highway verge. Laudable as this would be, there is no mechanism before me to provide that land transfer and control. In any event, it would not outweigh the harm I have identified.
30. The appellant claims that the proposal would make a positive impact to the existing flooding issues on surrounding land. However, there is no substantive evidence that this matter could only be addressed by the proposed development. I therefore attach limited weight.
31. The design and siting of the proposed dwelling would not be detrimental to the living conditions of any neighbouring occupiers and there are no heritage assets within the vicinity of the site that would be negatively impacted. Nevertheless, a lack of harm in these regards is a neutral factor that does not weigh in favour of the proposal.
32. The appellant refers to a potential fallback option in the shape of development permitted by the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended). However, it would not be a separate dwelling and therefore would not have the location and accessibility issues as the proposal before me. On this basis, it carries little weight in my decision, and is not sufficient to outweigh the harm I have identified.

Planning Balance

33. Although there would be some benefits to the proposal, as set out above, these benefits would attract only limited weight and would not outweigh the harm identified.
34. The Council indicates that it has failed the government's housing delivery test, as it is delivering less than 75% of its housing target. Nevertheless, even if I were to conclude there is a shortfall in the 5-year housing land supply, the harm I have found arising from this proposal is so significant that the adverse impacts of granting permission relating to the main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

35. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR