



Appeal Decision

Site visit made on 10 January 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/J2210/W/22/3294441

Land rear of 30 Tile Kiln Hill, Blean, Kent CT2 9EE

- 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 and Mrs Edmunds against the decision of Canterbury City Council.
 - The application Ref CA/21/01486, dated 9 June 2021, was refused by notice dated 10 September 2021.
 - The development proposed is the erection of a one and a half storey self-build dwelling and car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Blean Conservation Area (CA) and the locally listed building (LLB) at the appeal site.

Reasons

3. The appeal site comprises half of a semi-detached house, with off-street parking to the front and side and a long garden at a higher level to the rear. Open agricultural fields abut the appeal site to the rear and spacious neighbouring gardens border it to the sides.
4. It is proposed to erect a detached house and double carport within the rear garden area, with associated driveway and alterations to the existing vehicular access. The front of the appeal site is located within the CA, whereas much of the rear garden area, where the proposed buildings would be located, lies outside the CA. The CA is a designated heritage asset. As a LLB, the existing dwelling at the appeal site is a non-designated heritage asset.
5. I have not been provided with a recent appraisal of the CA, or any detailed descriptions of the significance of the CA or the LLB. I have, however, been referred to the report which recommended the designation of the CA on account of its special architectural or historic interest, the character and appearance of which was considered desirable to preserve and enhance¹.
6. Based on everything I have read and seen, the significance of the CA appears to rely on the rural setting and open surroundings of historic village buildings,

¹ Report of the Director of Planning, Canterbury City Council, 13 September 1994 (Appendix E of the appellant's submissions)

- including those set in a linear form along Tile Kiln Hill, in addition to historic road, woodland and field layouts, and archaeological landscape features around St Cosmus and St Damians Church. The significance of the LLB appears to be defined by its age and form as a pair of historic, rural semi-detached houses.
7. The proposed dwelling would be built in what has been described as an 'Old Kent Barn' style, which would reflect the form of a traditional agricultural building. It would comprise accommodation over 2 levels with a part-hipped roof with low eaves on its front and rear elevations. It would have an entrance portico with hipped roof on its front elevation and would be finished with black weatherboarding and red clay tiles.
 8. As land levels at the rear of the appeal site are higher than those at the front, excavation works would be carried out to ensure the proposed dwelling's ridge height would not exceed that of the existing dwelling. However, even with lowered land levels², the proposed dwelling and carport would be uncharacteristic features of significant bulk and mass in this backland position, between rear garden boundaries. The siting of the proposed buildings to the rear of the existing row of buildings fronting Tile Kiln Hill would create an atypical and cramped layout amongst spacious gardens.
 9. The proposed dwelling and carport would be seen as substantial and dominant buildings in passing views from the highway and in much clearer views from the rear of neighbouring houses. They would be discordant with the prevailing levels and layout of development in the area, including this part of the CA. The proposed buildings, on account of their excessive size and scale at the land levels indicated would not blend naturally with nearby buildings or otherwise integrate comfortably with their surroundings.
 10. I note that the footprint of the proposed dwelling would be smaller than that of the LLB, that the appeal site is skirted by planting which provides a degree of containment, and that garden space would remain for the existing and proposed dwellings. I also accept that the rear of the appeal site previously comprised agricultural land, that there are examples of outbuildings in neighbouring rear gardens, and that other backland developments have been permitted elsewhere in Blean. However, none of these matters lead me to conclude that the siting, scale or size of the proposed buildings would be sympathetic to their surroundings.
 11. As an uncharacteristic and visually disruptive form of development directly adjacent to the CA and the LLB, the proposal would fail to preserve or enhance the character or appearance of the settings of those heritage assets. The level of harm which would be caused to the significance of each heritage asset would be low on account of the apparent limited significance of the LLB, the limited extent of views of the proposal from the highway, and the large expanse of unaffected woodland and open fields north of the appeal site which comprise much of the CA. The harm in both cases would be long-lasting and I therefore attach moderate weight to that harm.
 12. In the context of the National Planning Policy Framework (the Framework), the harm which would be caused to heritage assets would be 'less than substantial'. Where a proposal would lead to less than substantial harm to the

² As shown on plan reference LD/0015 06 A 'Site Section Indicating Ridge Heights'

significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.

13. It has been suggested that landscape enhancements could be required by condition, but in the absence of details showing the extent and benefits of possible enhancements, I assign limited weight to any public benefits this could secure. The proposal would comprise a self-build dwelling. Aside from whether this would be a public benefit, I am unconvinced that a condition could meet the necessary tests set out at paragraph 56 of the Framework to require the proposal to comprise self-build housing in this instance. In the absence of any other mechanism which would secure the proposal as a self-build scheme, I attach limited weight to this prospect in favour of the proposal. The proposal would include access alterations which it is claimed would improve highway safety, but those works are not dependent on the rest of the proposed development.
14. The provision of 1 family sized dwelling in a village location, described as sustainable, which could support local services and community facilities, where there is no 5-year housing land supply would provide modest public benefits attracting modest weight in favour of the proposal. The public benefits of the proposal would not outweigh the moderate weight I have assigned to the harm which would be caused to the significance of the CA.
15. Notwithstanding the low level of harm the proposal would cause to the significance of the CA and the LLB, the overall level of harm which would be caused to the character and appearance of the area in general would remain high and long-lasting. I therefore attach significant weight to that harm.
16. Taking all of the above into account, the proposal would fail to accord with Policies SP1, SP4, DBE3, HE1, HE6 and HE8 of the LP. These require, amongst other things, development to have regard to the character, setting and context of the site and to be of a size, scale and location appropriate to the character and built form of Blean, which should protect, conserve and enhance the historic environment.

Other Matters

17. The Council's second reason for refusal refers to the failure to demonstrate that the proposal would achieve nutrient neutrality with regard to the Stodmarsh Nature Reserve Special Area of Conservation and Ramsar site. This is a European Site, as defined by the Conservation of Habitats and Species Regulations 2017 (as amended). Those Regulations require that, where a project is likely to have a significant effect on a European Site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. As I have found the proposal would be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment unless if other considerations indicate planning permission should be granted.
18. Although I have not been provided with all relevant figures, I have been advised that results of the Council's Housing Delivery Test 2021 show the Council had delivered only 65% of its housing target at that time. Where a 5-year supply of deliverable housing sites cannot be demonstrated, paragraph 11(d)(i) of the Framework explains that the policies which are most important

for determining the application are deemed to be out-of-date, and planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance, such as designated heritage assets, provides a clear reason for refusing the proposed development. I have identified harm that would be caused to the significance of the CA which would not be outweighed by the public benefits of the proposal.

19. Policies within the Framework advise that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of significance of a designated heritage asset, should require clear and convincing justification. I have not found such justification and the application of those policies provides a clear reason for refusing the proposal. The presumption in favour of sustainable development where the development plan policies are deemed to be out-of-date, as referred to by Paragraph 11 of the Framework, does not therefore apply in this instance.
20. I am aware that large buildings can be erected in gardens without the need for express planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). There are restrictions that apply in such cases, including on their use, which inevitably limit their sizes. I am unconvinced that development authorised by the GPDO could be carried out within the appeal site which would have similar or worse impacts upon the character and appearance of the area in comparison to the proposal.
21. I have also been referred to a number of other developments permitted elsewhere in Blean³ and comments made in other appeal decisions⁴. Based on the limited information provided, none of those other developments or their locations share characteristics sufficiently similar to the proposal to convince me planning permission should be granted in this instance.
22. The proposal would incorporate photovoltaic panels and a rainwater harvesting system. As a new dwelling built to current building regulation standards, it would be capable of being energy efficient. It would also provide a home which could be built in a short timescale for people who have lived in the village for some time, who could continue to support local services, in an area where there is no 5-year housing land supply. However, the information provided does not suggest such benefits, in addition to all of those mentioned in my consideration of the main issue, outweigh the harm I have identified.

Conclusion

23. Taking all matters raised into account, the proposal would conflict with the development plan as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

L Douglas

INSPECTOR

³ The Council's references: CA/04/01408/BLE, CA/98/00174/BLE, CA/18/01249/FUL, CA/05/01325/BLE, CA/04/01312/BLE, CA/07/00190/BLE, CA/19/00133/FUL.

⁴ APP/J2210/W/16/3156397, APP/J2210/W/17/3185011 and APP/J2210/W/16/3156861