
Appeal Decision

Site visit made on 25 May 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/X2220/W/22/3306506

Glen Farm, Mongeham Road, Ripple, Kent CT14 8JW

- 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 Leon Harris against the decision of Dover District Council.
 - The application Ref 22/00617, dated 11 May 2022, was refused by notice dated 14 July 2022.
 - The proposed development is for a single storey detached dwelling at the rear of Glen Farm.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refers to policies of the New Dover District Local Plan. This is currently at the examination stage and has not yet been adopted by the Council as part of its development plan. Accordingly, I can only give such policies limited weight in the decision-making process.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of a detached bungalow on Mongeham Road with a driveway accessing land to the rear. It lies at the edge of the village of Ripple within an area of wider open countryside that broadly comprises of flat arable farmland.
5. Policy DM1 of the Dover District Core Strategy (CS, 2010) restricts development outside of settlement boundaries unless it is justified by other policies, it functionally requires such a location, or is ancillary to existing development or uses. CS Policy DM15 restricts development that would result in a loss, or adversely affect the character or appearance, of the countryside unless it is justified by the needs of agriculture, rural economy or community. Policy DM16 states that development that would harm the character of the landscape will only be permitted in certain exceptional circumstances.

6. I acknowledge that the CS predates the National Planning Policy Framework (the Framework). In particular, I note that CS Policy DM1 is more restrictive than the Framework in respect of development outside of settlement boundaries. Accordingly, I attribute only moderate weight to this policy in respect of its degree of consistency with the Framework. Nevertheless, the proposed development conflicts with the policy as the appeal site is positioned outside of, albeit adjoining, a defined settlement boundary; it therefore lies within the open countryside. CS Policies DM15 and DM16 are broadly consistent with paragraph 174(b) of the Framework in respect of recognising the intrinsic character and beauty of the countryside.
7. The result of the proposal would be to extend residential development into the open countryside. The new domestic curtilage would jut out into the neighbouring agricultural site, thereby creating an unnatural distortion in the boundary between the two different land uses. The location of the dwelling beyond the existing residential garden, by its very nature, leads to an adverse, urbanising impact on the rural land. To my mind, this would not contribute to protecting the countryside and landscape character as outlined in CS Policies DM15 and DM16.
8. I am aware that planning permission has been granted under Council reference DOV/20/00979 for a new dwelling on the adjacent site, although I have not been provided with any further material in this regard, and so am not able to establish the precise circumstances surrounding the consideration of this scheme. I am also mindful that each case must be assessed on its own merits.
9. I recognise that the new dwelling would lie in close proximity to other existing residential built form in the locality, it would be screened by nearby vegetation. no garage or carport has been proposed to limit the number of structures on the appeal site, and adequate parking would be provided. Moreover, conditions could be imposed relating to permitted development rights and boundary treatments.
10. However, these matters do not counterbalance the in-principle harm that arises to the rural character and appearance of the countryside. In my view, to allow this appeal would be to set aside countryside strategy as the primary method of directing development within this part of the Dover District. This would potentially lead to similar arguments being made for other residential sites in close proximity to countryside boundaries, which would diminish the relevance of the Council's countryside strategy, and would be the antithesis of sustainable development.
11. Consequently, I conclude that the proposal would result in harm to the character and appearance of the surrounding area. It would be contrary to Policies DM1, DM15 and DM16 of the CS, which in summary seek to steer development away from countryside locations and protect its character and appearance. It would also be inconsistent with the objectives of paragraph 174 of the Framework, insofar as the need to recognise the intrinsic character and beauty of the countryside is concerned.

Conclusion

12. Based on the foregoing and all other matters raised, the appeal is dismissed.

C Hall

INSPECTOR