



Appeal Decision

Site visit made on 23 August 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/L2250/W/22/3304720

Stone Street Storage, Stone Street, Stelling Minnis, CT4 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs V Rowe against the decision of Folkestone and Hythe District Council.
 - The application Ref 22/1032/FH/PIP, dated 16 June 2022, was refused by notice dated 14 July 2022.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The scope of the considerations is limited to location, land use and the amount of development. All other matters are dealt with as part of a subsequent technical details consent application if permission in principle is granted.

Main Issue

3. The proposal is for a single dwelling. Therefore, the main issue is whether its location would be acceptable.

Reasons

4. The appeal site comprises an irregular shaped parcel of land of about 0.3 ha. It is located to the south of the George Inn public house. On the opposite side of Stone Street is a loose grouping of dwellings but built development in the vicinity is generally sparse. Open farmland prevails giving the immediate surroundings a countryside character which is clearly outside of a settlement.
5. The proposal would not, therefore, be in a location favoured by the spatial strategy or the place shaping and sustainable settlements strategy set out in Policies SS1 and SS3 of the Core Strategy Review. Furthermore, an unrestricted dwelling as proposed is not included in the types of development that are acceptable in principle outside settlements according to Policy CSD3. As such, the location of the proposal is fundamentally unsuitable when judged against those policies and accepting it would undermine the strategic approach of the development plan.
6. The site contains the remnants of a building. Evidence indicates that there have been structures on the land since at least 1940. Before 2000 it was used

by a roofing company and latterly for the storage of supermarket trolley recovery trailers. At the time of my visit about twenty trailers were on the site. Even if the storage use has not been shown to be lawful, there is no indication of any recent agricultural activity. Therefore, the site is not precluded from being previously developed land as defined by the National Planning Policy Framework on the basis that it is or was last occupied by agricultural buildings.

7. The land was occupied by a permanent structure. The base of the walls that still exist are recognisable features that have not been subsumed into their surroundings. As a result, sufficient of the former building exists such that its remains have not blended into the landscape. However, the Core Strategy Review does not include development on previously developed land as one of the exceptions to the otherwise restrictive approach taken in the countryside. Moreover, the Framework does not give substantial weight to the value of using brownfield land outside of any settlement. Therefore, the status of at least part of the site as previously developed land does not override the objection to the location of the proposal.
8. The appeal site is within the Kent Downs Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving and enhancing landscape and scenic beauty. There would be opportunity to site a dwelling towards the front of the site where it would benefit from existing natural screening. The Council refers to the impact on views from the north but without any specificity. Whilst the land in that direction is slightly higher intervening hedging and planting would serve to limit the impact.
9. As any dwelling would be sited on open land and would be more substantial than the remaining brickwork, there would be some harm to the intrinsic value of the AONB. However, it would be possible to design and site a dwelling so that it would not be either prominent or intrusive in the local rural scene. This aspect of the proposal's location therefore does not count strongly against it. There would nevertheless be conflict with Policy NE3 of the Places and Policies Local Plan which is concerned with protecting landscapes and countryside.
10. The proposal would not re-use a redundant or disused building and therefore paragraph 80 c) of the Framework is not relevant. The site currently has a negligible visual impact on the wider qualities of the AONB such that any enhancement that might be achieved should only be given limited weight.
11. Reference is made to a planning permission granted in respect of Chalk House where the design team surmounted the "high bar" set by criterion e) of paragraph 80. A design of exceptional quality could, in theory, be devised for the appeal site and Framework paragraph 134 b) also provides that significant weight should be given to outstanding or innovative designs. This could be insisted upon at the technical details stage.
12. However, isolated homes in the countryside should generally be avoided and achieving a design that is truly outstanding would not be straightforward. In addition, arguments that new dwellings would meet this standard could always be put forward in permission in principle applications or appeals to support development that would not be suitably located. Indeed, the prospect of a dwelling that reflects the highest standards in architecture and the other expectations of paragraph 80 e) does not justify the non-policy compliant dwelling proposed.

13. The site lies within the Stour Operational Catchment. Standing advice from Natural England is that new overnight accommodation within it is unacceptable unless it can be demonstrated that there would be no additional impact from nutrients on the Stodmarsh Special Area of Conservation and its other designations. In combination with other development, the proposal would lead to a likely significant effect on the habitats site due to additional wastewater discharge.
14. As there would be a significant effect on a European site and as no mitigation measures have been put forward, the proposal would be "habitats development" as defined by the Town and Country Planning (Permission in Principle) Order 2017 (as amended). Consequently, permission in principle may not be granted by virtue of Article 5B(1).
15. The PPG comments that other statutory requirements apply at the technical details consent stage. However, paragraph 005 explains that permission in principle can only be given if it can be concluded that the development will not adversely affect the integrity of the protected site. That is not the case here. Therefore, the ecological impact is not a matter that can be addressed at a later date and the appeal must fail on this ground.

Conclusion

16. The location of the proposed dwelling is unacceptable as it would conflict with development plan policies that seek to guide new development to sustainable locations. There would also be some harm to the AONB. These findings are not outweighed by the provisions of the Framework, including the potential to design a home of the highest quality in line with paragraph 80 e). In any event, the adverse effect on the integrity of a habitats site is decisive.
17. Therefore, for the reasons set out above, permission in principle should not be granted and the appeal should be dismissed.

David Smith

INSPECTOR