



Appeal Decision

Site visit made on 13 June 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/J2210/W/22/3292224

The Studio, Lee Priory, Littlebourne CT3 1UR

- 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 Jill Neff against the decision of Canterbury City Council.
 - The application Ref CA/21/02389, dated 6 December 2021, was refused by notice dated 7 July 2022.
 - The development proposed is conversion of existing ancillary residential outbuildings, with two single storey link extensions, to form a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is within a conservation area and located adjacent to a number of listed buildings. Although not explicitly stated in the reason for refusal set out on the decision notice issued by the Council, it is clear from the Council's submissions that it considers the proposal would cause harm to the conservation area and the setting of the nearby listed building. I have also noted that the appellant has made submissions in respect of these matters.
3. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me, in determining this appeal, to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses and also to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. For these reasons I have, therefore, included the effects of the proposal on these heritage assets as a principal issue in this appeal.

Main Issues

4. 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, employment opportunities and facilities; and
 - The effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, Lee House, and the extent to which it would preserve or

enhance the character or appearance of the Lee Priory and Garrington Conservation Area (the CA).

Reasons

Suitable location

5. The appeal site is a parcel of land positioned within a wooded area to the side of the 'host' property known as the Studio. The site contains a collection of single storey buildings which are now redundant, but were previously in use as artist studios ancillary to the main dwelling. The main access to the site is via a private road which serves a number of properties within Lee Priory.
6. Policy SP4 of the Canterbury District Local Plan (2017) (LP) sets out the strategic approach to the location of development. It identifies that the urban areas of Canterbury, Herne Bay and Whitstable are the principal focus for development together with development at the rural service centres and local centres.
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. Policy HD4 of the LP sets out the limited circumstances where planning permission for new dwellings in the countryside may be granted. One such circumstance is where the development would re-use redundant or disused buildings whilst leading to an enhancement to the immediate setting.
8. The supporting text to Policy HD4 outlines that whilst some residential conversions can be undertaken so as not to have a material impact upon the character or appearance of a building, it is often the associated use of the external space around such buildings for domestic purposes that changes the character and appearance of the surrounding area.
9. In this instance, the proposal involves several extensions to the collection of buildings which are necessary to unify them into a single larger building and to provide usable living space. Due to the size of the extension and extent of the alterations, which include overcladding the exterior and adding thermal lining/insulation to the interior of the walls, it seems to me that the proposal would go beyond what can be considered as a "re-use" of the buildings. Despite the screening of some views provided by the trees on the site, the proposal, as a result of its appearance as a more obvious permanent structure, domestic paraphernalia and parking area would also have an urbanising effect on the immediate area. Consequently, the proposal cannot be considered to fall within the exceptions outlined by Policy HD4 of the Local Plan. As such, the proposal conflicts with the location strategy of the development plan, which aims to direct development to the most sustainable locations.
10. The appellant describes the appeal site as previously developed land, comprising existing buildings which have been in situ on land within the same ownership as the applicant's residential property for over 40 years. Nevertheless, this would not negate the need for the development to meet the locational criteria outlined in Policy SP4.
11. The appeal site is located near to existing dwellings along the private road to The Lee Priory. Given its proximity to existing dwellings, the appeal site is not isolated in the context of paragraph 80 of the National Planning Policy

Framework (2021) (Framework), which sets out that new isolated homes should be avoided in the countryside. 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.

12. To access services and facilities within Littlebourne which is identified as a "Local Centre", the occupants of the proposed dwelling would have to walk or cycle along the A257. Whilst the A257 is reached via a private road which is low trafficked, it is unlit and would be a less attractive route outside daylight hours. Furthermore, the footpaths along the A257 are quite narrow in places and mostly unlit, whilst there are no dedicated cycle lanes. Therefore, the route is unlikely to be an attractive option for walking and cycling for use outside of daylight hours or during inclement weather. The nearest train station is located over 2 miles from the appeal site which is likely to make this mode of transport an unappealing choice without the use of a car.
13. The appellant indicates that there is a bus stop 420 metres from the appeal site. 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 occupants. Consequently, future occupants are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.
14. For the reasons given, essential services, facilities and employment opportunities 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. I note that the Highway Authority did not raise an objection to the proposal and that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the Framework 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 unsuitable location. Given my findings above, there would be conflict with the Framework in these respects.
16. 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, facilities and employment opportunities. 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.

Character and appearance

17. The site is located within the The Lee Priory and Garrington CA. The character of this part of the CA and its significance stems from the age, architectural quality and positive contribution of the buildings around Lee Priory combined with the area's pleasant rural landscape. With its dense woodland and discreet, non-assuming buildings the appeal site positively contributes to the character of the area.

18. The List description confirms that the nearby building, Lee House, was listed in 1980 and dates from circa 1860. It was designed by Sir George Gilbert Scott and was originally constructed as outbuildings to Lee Priory. It is two storeys in height, and constructed in red brick with a grey brick stringcourse and a hipped slate roof. From my observations on the site visit and the evidence before me, the significance of the LB is derived mostly from its age, architectural quality and its contribution to the rural character of the area. There is no disagreement between the parties that the proposal would be within the setting of the LB. Given the proximity of the proposal to the heritage asset, I see no reason to disagree.
19. I have previously found that despite the screening of some views provided by the trees on the site, the proposal, as a result of its appearance as a more obvious permanent structure, and the associated domestic paraphernalia and parking area would have an urbanising effect on the immediate area. The joining of the existing buildings across a relatively large area would create a sprawling building, which would appear in stark contrast to the rural character of the CA and the more uniform, ordered appearance of the LB. As a consequence, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA.
20. The proposal would be located some distance from the other nearby listed buildings. Consequently, the proposal would have a neutral effect on the setting of these other nearby listed buildings.
21. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
22. For the above reasons, I find that the proposal conflicts with Policies DBE3, HE1, HE4 and HE6 of the LP which collectively prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance.
23. In failing to preserve the character and appearance of the CA and the setting of the LB, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage assets. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposal would provide benefits associated with the proposal, such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land. The appellant also indicates that there is an opportunity to improve on-site biodiversity via the installation of bat and bird boxes, vegetation management and landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.

24. However, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the setting of the LB and the great weight given to the conservation of designated heritage assets.
25. For the above reasons, I find that the proposal would cause harm to the setting of the nearby Grade II listed building, Lee House, and to the character or appearance of the Lee Priory and Garrington Conservation Area. It would conflict with Policies DBE3, HE1, HE4 and HE6 of the LP which collectively prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance.

Other matters

26. The Council's second reason for refusal refers to the failure to demonstrate that the proposal would not have an adverse effect on the Stodmarsh Nature Reserve SAC and RAMSAR or that the proposal would achieve nutrient neutrality. 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. However, even though the appellant has indicated a willingness to enter into an agreement to address any mitigation required to address concerns related to the SAC and Ramsar site I have no such agreement before me. In any event, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it would not alter my findings on the main issues.
27. I acknowledge that the proposal may be compliant with various other provisions of the development plan, and would not, for instance, have a harmful effect on the living conditions of neighbouring residential occupiers. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
28. Whilst I note the two letters of support of the proposal these did not contain any points that would lead me to a different conclusion overall.

Conclusion

29. The appellant references an appeal decision¹ from July 2021 which concluded that the Council did not have a five-year housing land supply. Whilst the Council state that they do now have a five-year housing land supply, I note that they acknowledge that the Housing Delivery Test 2021 shows that the Council had delivered only 65% of its housing target at that time.
30. In this scenario, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the

¹ APP/J2210/W/20/3259181

benefits, when assessed against the policies in this Framework taken as a whole.

31. As the proposal relates in part to the setting of designated heritage assets, the application of policies in the Framework that protect areas or assets of particular importance, as given in footnote 7 of paragraph 11(d)(i), provide a clear reason for refusing the development proposed.
32. Alongside my findings in respect of the designated heritage asset, I have found that 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, facilities and employment opportunities.
33. The harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR