



Appeal Decision

Site visit made on 11 October 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/X2220/W/22/3311637

Little Shatterling Farm, Roman Road, Shatterling, CT3 1JR

- 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 Mrs Samantha Burton (nee Adams) against the decision of Dover District Council.
 - The application Ref 22/00967, dated 19 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is provision of a pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the proposed dwellings would be in a suitable location having regard to local policies regarding settlements and managing travel demand and their effect on the character and appearance of the surrounding area.

Reasons

Location

3. The appeal site is an open area which is part of a wider group of buildings including a farmhouse. The land is said to be used to keep chickens and store logs and equipment and was previously used to park minibuses. The immediate surroundings are characterised by scattered frontage development separated by fields. Although the road (A257) is heavily trafficked the area is rural in nature. The proposed dwellings would be sited close to Roman Road partly behind a substantial line of conifers.
4. The proposal would be outside the settlement confines of Staple, although within the Parish, and between the villages of Wingham and Ash. Policy CP1 of the Core Strategy of 2010 sets out the settlement hierarchy for the District and establishes that Shatterling is not generally suitable for further development. Policy DM1 confirms that development will not be permitted in such locations unless specifically justified by other development plan policies or if it functionally requires such a location. As neither of these exceptions apply, the proposed dwellings would be at odds with the provisions of these policies.
5. That said, the Council's position is that Policy DM1 is out of date when judged against the National Planning Policy Framework because of its limiting effect on the supply of housing. Nevertheless, the proposal would undermine the existing spatial strategy and this is a matter that counts against it.

6. The draft Dover District Local Plan has been submitted for examination. Draft Policy SP4 sets out appropriate locations for windfall residential development either within or immediately adjoining settlement confines. However, this does not include Shatterling and the proposal would not comply with the relevant criteria for development outside settlements. Having regard to paragraph 48 of the Framework, this policy has limited weight as it is unknown whether it will be found sound. In any event, the shift in policy approach that it embodies does not favour the proposal.
7. The appeal site is located over 1500m from the edge of the local centres of Ash and Wingham. Although there is a pavement along the A257 the shops and facilities are further away than future residents could reasonably be expected to walk to. Aspects of the route would also make it unattractive to some. The farm shop nearby could, however, meet some basic needs. The site is on a bus route between Sandwich and Canterbury with services every 30 minutes during the middle of the day and more frequently in the morning and evening peak. This provides some opportunity to travel by means other than the car but the location falls well short of having the “first-class public transport connections” claimed by the appellant.
8. Indeed, it is likely that the majority of trips would be undertaken by car. The Council reached a similar conclusion when considering the application to convert buildings to residential at The Frog and Orange. The proposal would therefore be contrary to Policy DM11 which provides that development that would generate travel will generally not be permitted outside rural settlement confines. However, that strict policy approach is not consistent with the Framework which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, on a small scale, the proposal would not promote sustainable transport and this is a further objection to its location.
9. Several housing developments have been permitted at Staple which does not have a frequent bus service. However, this is only one aspect of whether somewhere is suitable for residential development. The appeal decision at Ashley (Ref: APP/X2220/W/16/3149704) made no reference to Policies CP1 or DM1. There is also no evidence that the proposal is justified by the need to sustain a rural community as was decided in that case. At Woodnesborough (Ref: APP/X2220/W/19/3227116) the appeal site was previously developed land and part of a substantial enclave of linear development. It is therefore not directly comparable. Consequently, none of these matters justify the proposal.
10. Therefore, the proposed dwellings would not be in a suitable location having regard to local policies regarding settlements and managing travel demand and so there would be conflict with them.

Character and appearance

11. The proposal is for a fairly substantial pair of houses in traditional materials with a barn hip roof. The canted bay at the front would be a rather fussy suburban feature that would detract from their otherwise simple form. However, the buildings would not be prominent due to the screening that would be retained and would be part of a wider complex of buildings rather than standing alone. Furthermore, they would be compatible with the pattern of sporadic development along the road and would not erode the rural character of the immediate locality.

12. Therefore, notwithstanding misgivings about one aspect of the design, the proposed dwellings would not harm the character and appearance of the surrounding area. As such, there would be no conflict with Core Strategy Policy DM15 which seeks to protect the countryside.

Material considerations

13. It is not clear how two three-bedroom dwellings would add to housing diversity and there is no guarantee that they would be occupied by younger people. Nevertheless, they would add to the overall supply of housing. That said, the Council has a housing land supply of just over six years and so there is no imperative to accept development in unsuitable locations.
14. The Council has not commented on whether the appeal site falls within the definition of previously developed land in the Framework. However, even if it does, national policy does not favour utilising brownfield land wherever it is found. Rather paragraph 120 gives substantial weight to the value of using suitable brownfield land *within settlements* [my emphasis] but that does not apply here.
15. The Framework encourages housing to be located where it would enhance or maintain the vitality of rural communities in order to promote sustainable development in rural areas. However, the appeal site is divorced from any sizeable community and there is no evidence as to how and to what extent the proposal would contribute in this way. Any benefits in this respect would therefore be slight.

Final balance

16. The proposed houses would not be in line with the spatial strategy for Dover and would generate travel by car. Whilst there is no objection on character and appearance grounds, the proposal would not accord with the development plan as a whole. As the planning system should be genuinely plan-led this is a matter of significant weight although qualified by the age of the Core Strategy which pre-dates the Framework. Indeed, the most important policies are not fully reflective of national policy and are therefore out-of-date. The balance in paragraph 11 d) ii of the Framework is therefore engaged.
17. The proposal would undermine the strategic policies that set out the pattern of future development in the District and is not supported by national policies that seek to make an effective use of land. Whilst somewhat dated the policies in the Core Strategy are not preventing the provision of an adequate supply of housing. The failure to promote sustainable transport in line with the Framework is a further adverse impact arising from the proposal. These are major objections.
18. There would be benefits in adding to the housing supply in a rural area but there is limited support in national policy for building on previously developed land outside settlements. Coupled with the other social and economic advantages associated with the construction of two houses, the overall benefits of the scheme would be modest, especially as the overall housing land supply position is healthy.
19. As a result, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposed dwellings would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR