



Appeal Decision

Site visit made on 17 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/X2220/W/22/3309364

Stackyard Cottage, Felderland Lane, Worth CT14 0BW

- 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 G Walters of HICO Group against the decision of Dover District Council.
 - The application Ref DOV/21/01661, dated 27 October 2021, was refused by notice dated 13 July 2022.
 - The development proposed is the demolition of existing dwelling and erection of two pairs of semi-detached 3 bedroom dwellings with associated parking and gardens.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr G Walters of HICO Group against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council has no objection to the proposed development in respect of character and appearance, living conditions, highway safety or in respect of the Thanet Coast and Sandwich Bay SPA. I have no reason to disagree with those findings.

Main Issue

4. The main issue is whether the site is a suitable location for additional housing having particular regard to the accessibility of services and facilities.

Reasons

Appropriateness of location

5. The appeal site is located outside of any defined settlement boundary, and therefore within the open countryside. Notwithstanding this, as the site accommodates an existing dwelling and is located near to other established residential properties, it cannot reasonably be described as 'isolated' within the terms of the National Planning Policy Framework (the Framework) paragraph 80.
6. Policy CP1 of the Dover District Local Development Framework Core Strategy (CS, 2010) sets out that the location of development should comply with the settlement hierarchy, with CS Policy DM1 stating that development will not be permitted on land outside these areas unless it is specifically justified by other

development plan policies or it functionally requires an out of settlement location, or it is ancillary to existing development or uses.

7. The nearest settlements to the site are Worth, Sandwich and Eastry. Worth, located approximately 1km away from the site, contains services such as a school, public house and a church. A greater variety of services and facilities exist in Sandwich and Eastry, each positioned approximately 2km away from the site. Some facilities also exist within Woodnesborough.
8. I accept that the distance between the proposed dwellings and those settlements would be similar to that of the existing dwelling and those adjacent. Nevertheless, to reach Worth by foot or cycle, individuals would need to proceed along Felderland Lane, which is narrow, unlit and does not have dedicated footways, cycle paths or wide verges. Individuals would then need to cross and proceed alongside Deal Road, before continuing along The Street. These routes are unsatisfactory and would be particularly undesirable in winter months, outside daylight hours or during inclement weather conditions.
9. I also acknowledge that there are several public rights of way, including bridleways, near to the site which could, in part, be used to reach services and facilities. However, these routes are not sufficient to rely on, particularly as they are unlit and of an uneven terrain. They would unlikely provide a realistic or attractive alternative for most people to access shopping facilities, schools or day-to-day needs. Moreover, the nearest bus stop is located approximately 380 metres away from the site on Deal Road, accessed by the same unsatisfactory routes.
10. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwellings would be highly reliant on the use of private vehicles to access most services and facilities due to a lack of satisfactory walking and cycle routes and a lack of public transport facilities within a reasonable distance of the site.
11. Whilst I acknowledge comments in respect of the forecast growth in electric car use, there is no certainty, or mechanism before me to ensure, that future occupiers would use electric vehicles.
12. I acknowledge the existence and nearby position of Felderland Farm Shop. However, neither this, nor the nearby Pick Your Own business, could be relied upon for all day-to-day requirements, in part due to its limited opening hours. The appellant also sets out that Sandwich, as a Rural Service Centre, is the main focus for development. Be that as it may, the appeal site is not located within or suitably close to Sandwich or any other Rural Service Centre.
13. I have also had regard to the relevant provisions of paragraph 79 of the Framework, which relates to rural development. This aims to promote sustainable development in rural areas by ensuring that it is located where it will enhance or maintain the viability of rural communities. For the reasons given above in respect of accessibility, I find that the Framework's advice on rural development would not provide support for the dwellings proposed at the appeal site.
14. For the above reasons, I conclude that the appeal site would form an inappropriate location for the proposed development, contrary to the relevant

provisions of CS Policies CP1, DM1 and DM11. These policies, in summary, seek to ensure that development is located in the most sustainable locations. The proposal would also fail to accord with the relevant provisions of paragraph 79 of the Framework which seeks to ensure that development maintains or enhances the viability of rural communities. Similarly, the proposal would conflict with the approach in policies SP4 and T11 of the emerging Dover District Local Plan to 2040, which seek to achieve similar aims as the CS, set out above.

15. Notwithstanding the above, the Council acknowledges that CS Policies CP1, DM1 and DM11 are not fully consistent with the Framework. In particular, that they are more restrictive in respect of development outside of settlement boundaries. The Framework, on the other hand, provides a more nuanced approach. In my view, these are the most important policies in the determination of this proposal. I can only afford limited weight to them in respect of their degree of consistency with the Framework. This is a matter I return to in the planning balance.

Other Matters

16. I acknowledge that the proposed development would assimilate to an acceptable standard with the surrounding area from a design perspective and would not harm the living conditions of neighbouring occupiers. I also accept that the proposed development would make efficient use of land, an objective supported by the Framework. Nevertheless, these are not matters in dispute between the Council and appellant and have not led me to an alternative conclusion on the main issue.
17. I accept that the existing dwelling does not meet current 'EPC' standards for occupation. However, the enhancement of the site to achieve those standards is not inherently dependant on the wider redevelopment of the site. This matter does not lead me to an alternative conclusion on the main issue.
18. The appellant also argues that the site is previously developed land (PDL). Even if I were to agree, the glossary in the Framework sets out that it should not be assumed that the whole of the curtilage should be developed. Whilst I accept that not all of the curtilage would be developed here, substantially more of the site would be than is currently the case. In any event, the Framework's support for brownfield development is not at the expense of meeting other Framework objectives.

Planning Balance

19. There is no dispute between the appellant and Council that the relevant policies of the CS pre-date the publication of the Framework, and that these are out-of-date as they are not fully consistent with the policies of the Framework.
20. Accordingly, paragraph 11(d) of the Framework is engaged. This states that in such a situation where development plan policies are deemed out-of-date, planning permission should be granted unless one of two criteria apply. One of these, and which is pertinent to the appeal scheme before me, is if any adverse impacts would '*significantly and demonstrably*' outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is known as 'the tilted balance'.

21. The appeal scheme would represent a net addition of three dwellings to the district's housing supply which is, in principle, supported by the Framework and Worth Neighbourhood Development Plan (2014). The proposal would also provide family-sized accommodation, contributing to demand in that respect. This would represent a social benefit. There would also be some economic benefits during the construction of the dwellings and the bringing about of extra trade to services and facilities in the wider area once occupied. However, these benefits would inevitably be limited due to the relatively small scale and nature of the development proposed. Against those matters is the significant and long-lasting harm I have identified in respect of a lack of access to services by a sustainable choice of travel.
22. On balance, I find that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

23. For the reasons above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR