



Appeal Decision

Site visit made on 26 October 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Appeal Ref: APP/J2210/W/22/3312567

Land to the east of Dargate Road, Dargate Road, Yorkletts CT5 3AH

- 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 R Bell of Chapter 4 Ltd against the decision of Canterbury City Council.
 - The application Ref CA/22/01649, dated 26 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is erection of four dwellings with associated vehicle access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address above from the application form. Although different to that given on the decision notice, no confirmation has been provided that a change was agreed upon.
3. The reasons for refusal set out in the Council's decision notice included insufficient information being provided in relation to protected species and habitats (2) and failure to demonstrate the proposal would not have any unacceptable impact on highway safety (3). Additional survey information and an amended drawing were subsequently submitted as part of the appeal process. The Council has confirmed in its statement of case that following the submission of these details, there is no longer any objection to the proposed development on protected species/habitats or highway safety. I have therefore dealt with the appeal on that basis.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy for the delivery of housing and accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

5. Policy SP1 of the Canterbury District Local Plan (CLP) largely echoes the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).
6. Policy SP4 of the CLP sets out the strategic approach to the location of development. It identifies the urban areas of Canterbury, Herne Bay and Whitstable as the main areas for development. Outside of these areas, Policy SP4 permits some development in relation to the identified settlement hierarchy. Whilst the status of Yorkletts as being in the countryside is queried by the appellant, it is not named as a settlement in CLP Policy SP4, and the appeal site, therefore, falls within the countryside for planning policy purposes.
7. CLP Policy HD4 sets out the circumstances where planning permission for new dwellings in the countryside would be granted. The appellant accepts that the appeal scheme would not meet these specified circumstances. The proposal therefore conflicts with Policy HD4 of the CLP. As such, the proposal conflicts with the overall location strategy of the development plan, which aims to direct development to the most sustainable locations.
8. The appeal site is near other dwellings located on Dargate Road and to the east of the appeal site. It is, therefore, not isolated in the context of paragraph 80 of the Framework, which sets out that new isolated homes should be avoided in the countryside. Nonetheless, 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 and facilities when considered in the context of other requirements of the Framework.
9. From the evidence provided and my own observations Yorkletts has few essential services and facilities to cater for the daily needs of any future occupiers of the proposal. There is a service station with a fast food and coffee outlet on the A299. These are a considerable distance from the appeal site and the road leading to them has limited footpath provision and is largely unlit and subject to varying speed limits. This is likely to discourage any future occupiers of the proposal from walking or cycling to gain access to these limited services and facilities.
10. In order to access alternative and a broader range of services and facilities residents would need to travel to Canterbury, Faversham or Whitstable. To access these services and facilities, the occupants of the proposed dwellings would have to walk and cycle along routes that are quite narrow in places and mostly unlit, these routes would not be attractive for use outside of daylight hours or inclement weather. In addition, some roads within the vicinity of the appeal site are subject to the national speed limit, which means vehicles are likely to be travelling at fast speeds. Therefore, the route would be unsuitable for walking, cycling, children's pushchairs, wheelchair users, or people with limited mobility.
11. There is a bus service through Yorkletts that runs between Faversham and Whitstable. It is fairly infrequent during weekdays and more so on Saturdays, with no service at all on Sunday or at night. This would discourage any future occupiers from using it on a regular basis to gain access to Faversham or

Whitstable or onward travel to Canterbury for the wider range of services and facilities available. Consequently, future occupants are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport.

12. Whilst working from home has increased post the Covid-19 pandemic, this may not appeal to all or may not be possible for all future occupiers.
13. For the reasons given above, essential services and facilities would not be readily accessible from the appeal site. Therefore, the future 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.
14. The Framework seeks to significantly boost the supply of homes and states that housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the proposal would make a small contribution in this regard, given the scale of the scheme, any such benefits would be small. Additionally, I acknowledge that the Framework recognises that sustainable transport solutions will vary between urban and rural areas, however, this does not override the significant harm identified above. The proposal would therefore, in the context of the Framework, not be in the right place or make an efficient use of the land.
15. The appellant has drawn my attention to a refused application CA/05/00669/WHI. I do not know the full details of the scheme. However, that application was considered under a previous development plan and I have considered this scheme on its own merits and the development plan now in place and found it would not be in a sustainable location for the reasons set out above.
16. My attention has also been drawn to an application¹ approved by the Council following the refusal of the appeal scheme. I have been supplied with limited details. From the evidence before me, it is evident that Council members did not follow the planning officer's recommendation, which they are entitled to do, including consideration of the site location. Similarly, I am not bound by the decisions of the Council and have considered the appeal scheme on its own merits and found the appeal site is for the purposes of the development plan within the countryside and not sustainably located for the reasons set out. I therefore attach little weight to this scheme.
17. As such, the appeal 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 and facilities. The proposal fails to accord with Policies SP1, SP4 and HD4 of the CLP. These seek, amongst other things, to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities. It would also conflict with the provisions of the Framework in so far as it seeks to manage patterns of growth in sustainable locations.

Character and appearance

18. Development along Dargate Road follows a predominantly linear pattern with dwellings set back from the road, at varying distances, by gardens and

¹ Ref: CA/22/02517

driveways. The appeal site has a triangular shape and is bounded by dwellings to the south. It is also bound to the east by dwellings separated by an access road and to the west by houses beyond Dargate Road. At its northern point, it narrows close to the junction. The appeal site, at the time of my visit, had an unmanaged verdant appearance that assists with maintaining a sense of space and openness which provides a subtle transition to the wider countryside on the edge of Yorkletts.

19. There is significant variation in the styles, ages and design of properties found along Dargate Road. As a result, the introduction of two sets of semi-detached properties setback from the road and of the style and design proposed would complement the variety of styles and designs found nearby. However, the proposed dwellings would be positioned beyond the existing building line of built form that fronts directly onto Dargate Road. Being undeveloped and verdant in appearance, and despite the low-level timber fence, the appeal site reads as part of the transition into the countryside beyond when viewed from various points along Dargate Road. Therefore, given the layout of the surrounding development and the undeveloped nature of the site, the proposal would extend the built form into the more open rural land, altering the established linear built form.
20. Consequently, and even with additional landscaping, the proposal would urbanise the character and appearance of the site. This urbanisation, together with the reduction in the verdancy of the site, would unacceptably harm the rural character and appearance of the site and the surrounding area.
21. I note the appellant's comments on application CA/05/00669/WHI not being refused for reasons related to urbanising the site. Whilst I do not have the full details of the scheme the proposal was for a smaller scheme of two dwellings. In this regard, that development was materially different to the appeal proposal, and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
22. Consequently, I have found the proposal would harm the character and appearance of the area to which I attach substantial weight. The proposal therefore conflicts with Policy DBE3 of the CLP, which amongst other things, seeks to protect and reinforce the local character and context of an area. The proposal would also conflict with the provisions of the Framework, which seeks to ensure developments are sympathetic to local character.

Other Matters

23. The Council have identified that the appeal scheme would likely place increased pressure on the special character and ecological importance of the Thanet Coast and Sandwich Bay Special Protection Areas (SPA) and Thames, Medway and Swale SPA. However, as the appeal is being dismissed on grounds related to being in a suitable location and character and appearance of the area, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. A planning obligation was submitted in this regard, but this would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered this matter further.

Planning balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
25. Although I have not been provided with all relevant figures, the appellant states that the Council's most recent Housing Delivery Test shows the Council had delivered only 65% of its housing target at that time. The provisions set out in paragraph 11 of the Framework are therefore relevant in this case.
26. Paragraph 11(d)(ii) of the Framework confirms that in circumstances such as these, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. The Council have withdrawn their objection to the proposal on highway safety grounds. The absence of harm in this respect is a neutral matter which weighs neither for nor against the proposal.
28. Given the extent of the shortfall and the scale of the scheme, the contribution of four additional dwellings on this windfall site attracts moderate weight. There would be economic benefits through the construction and occupation of the dwellings. As construction benefits would be short term, I attach little weight.
29. There would be environmental benefits as the proposed design and construction methods of the dwellings would minimise energy and water use. Incorporating electric vehicle charging points and bicycle storage would also promote more different modes of travel and better air quality. The proposal would also have further environmental benefits through new planting, habitat creation and bat/bird boxes. Given the scale of the development and its location in the countryside, I attach little weight to each of these benefits.
30. Against these benefits is the significant harm that would result from introducing the proposed development in an unsustainable location and the harm to the character and appearance of the area. Policies SP1, SP4, HD4 and DBE3 of the CLP are broadly consistent with the Framework's aim to ensure new development is sustainably located and sympathetic to local character. Accordingly, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.

Conclusion

31. For the reasons given above, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
32. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR