



Appeal Decision

Site visit made on 27 March 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/E2205/W/23/3326392

Oxney Isle Barn, Swan Street, Wittersham, Kent TN30 7PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David John Allen-Butler against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/2708.
 - The development proposed is Proposed new single dwelling and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes' (NLs). Thus, the High Weald AONB is now the High Weald National Landscape (HWNL). Its legal designation and policy status remain the same.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the HWNL; and,
 - whether the proposal conforms with the spatial strategy having regard to local and national planning policy for the provision of housing.

Reasons

Character and appearance

4. The appeal site is on the edge of a small group of residential properties, Wittersham Manor hamlet. It is a largely undeveloped field wrapping around Oxney Isle Barn. The site is an area of grassland which is bounded by dense hedgerows. The properties to the east are sited amongst a small pocket of woodland. Therefore, the character of the site is both open and verdant. The wider area is largely defined by agricultural development and is rural in nature.
5. The appeal site is located within the HWNL an area designated for its landscape and scenic beauty. The HWNL is characterised by a mosaic of irregularly shaped fields bounded by hedgerows, with small pockets of woodland. The appeal site and surrounding area is characteristic of the wider HWNL. Under the Countryside and Rights of Way Act 2000 I must seek to further the purpose of conserving and enhancing the natural beauty of the HWNL. Also, the National

- Planning Policy Framework (the Framework) indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty in NLs.
6. There is a public right of way (PROW) running along the north-west boundary of the site. The PROW is located within a gully between fields, and it slopes downhill as you travel in a south-west direction. As such, the northern section of the field is prominent in views from the PROW. The proposed dwelling would be located near to the boundary with Oxney Isle Barn, toward the northern end of the field.
 7. The proposed three-bedroom dwelling has been designed to be single storey to provide suitable retirement accommodation for the appellants. Consequently, the dwelling would have a large footprint. The proposed footprint would be the third largest in Wittersham Manor hamlet. However, the proposed dwelling would be different to those buildings with larger footprints as it would be located on the edge of the hamlet. Although the proposed building form has been 'creased and folded' to reduce the overall length of the building, it would still extend southwards further into the undeveloped field. The proposal would not be located within the current built form of the hamlet and would extend the hamlet into the countryside.
 8. Whilst the proposed dwelling would include trapezoidal cladding in an attempt to create an agricultural appearance, large expanses of both the southern and eastern elevations of the building would be glazed. This would create a domestic appearance which would appear at odds with the rural character of the area. The proposed southern elevation would be particularly prominent in views from the PROW. Moreover, the proposal would introduce residential activity and associated domestic paraphernalia into the field. This would have a suburbanising effect on the area.
 9. The proposed detailed landscaping scheme would mitigate some of the harmful effects of the proposal. The retained and enhanced hedgerows, as well as the new orchard planting would reflect the prevailing landscape and partially screen views of the proposed dwelling and neighbouring properties. Furthermore, the orchard planting would help assimilate the proposed dwelling with the neighbouring properties which are in a wooded area. The enriched grassland and wildflower meadow, alongside the new and retained scrub planting toward the middle of the site would maintain the low-lying nature of the vegetation in this section of the site. However, there would be some harm arising from the proposed ornamental trees, which would be in a prominent location, next to the proposed dwelling. These trees would create a formal setting which would appear at odds with the rural character of the area.
 10. I conclude that the proposal would have a harmful effect on the character and appearance of the area, including the HWNL. The proposal would be contrary to Policy ENV3b of the Ashford Local Plan 2030 (LP), February 2019. This policy indicates that proposals affecting the HWNL will only be permitted where the location, scale and design would conserve and where appropriate enhance or restore the character of the landscape. It would also be contrary to the Framework where it advises that great weight should be given to conserving and enhancing the landscape and scenic beauty in NLs.

Spatial strategy

11. LP Policy HOU5 indicates that proposals for residential development adjoining or close to the existing built-up confines of specific settlements will be acceptable. Wittersham is identified as one of the settlements, whereas Wittersham Manor Hamlet is not. Consequently, as the proposal is not within the built-up confines of Wittersham, or another specified settlement, it is not within an identified suitable settlement.
12. The explanatory text for LP Policy HOU5 advises basic day-to-day services should be within 800 metres walking distance to be considered acceptable. The walking distance to the nearest services is significantly more than 800 metres. Also, to access these services future residents would have to walk along narrow roads subject to the national speed limit with no streetlights or footpaths. Walking this route daily to access services would neither be pleasant nor practical; and in the dark or in inclement weather it could be unsafe.
13. Therefore, walking is not a realistic alternative to the use of private motor vehicles when accessing day-to-day services. Whilst the appellant owns electric vehicles and the general use of electric vehicles is becoming more prevalent, this is not justification for locating new housing in the countryside where access to facilities is limited. Moreover, the construction of one dwelling would not significantly bolster the sustainability of local services and amenities in proximity to the site.
14. The appeal proposal is not for a permission personal to the appellants, nor is its occupation proposed to be restricted to occupants receiving care. Nevertheless, I note that space has been designed for a live-in carer, to be utilised if necessary. The provision of accommodation for carers does not overcome the need for the property to be in an accessible location close to other services.
15. Notwithstanding the above, LP Policy HOU5 supports residential development in the countryside where it is "a dwelling that is of exceptional quality or innovative design which should be truly outstanding and innovative, reflecting the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area." This is in accordance with paragraph 84 of the Framework.
16. There are many aspects of the proposal which would contribute to a design which would be truly outstanding and innovative. This includes a quantifiable 27% biodiversity net gain (BNG), a carbon sequestration plan, mechanical ventilation with heat recovery, photovoltaic panels, a dwelling built to Passivhaus standards, and a circularity water system, amongst other factors. Nonetheless, the proposal would not enhance its immediate setting or be sensitive to the defining characteristics of the local area for the reasons given above. Therefore, it would not conform with this exception for residential development in the countryside.
17. I conclude that the proposal would not conform with the spatial strategy having regard to local and national planning policy for the provision of housing. It would be contrary to LP Policy HOU5 and paragraph 84 of the Framework for the reasons given above.

Other Matters

18. I note the comments made by the appellant regarding how the application was dealt with. In particular, the conflicting advice on who the determining authority was, and both the process of the application being referred to committee and the committee itself. However, this is a matter between the parties and has not altered my consideration of the acceptability of the appeal proposal.

Planning Balance

19. Set against the harm identified there would be benefits associated with the proposal. The evidence before me indicates that the Council can only demonstrate 4.54 years supply of deliverable housing land. An additional dwelling would help address this shortfall. Furthermore, the provision of a single storey dwelling suitable for occupation by people with mobility impairments would also be a benefit. The proposal would include a significant amount of sustainability measures as well as a 27% BNG. There would also be economic benefits associated with the construction of the dwelling and an increased population living in the area.
20. Given the shortfall in housing land supply and the extent of the environmental measures included within the scheme, considerable weight is ascribed to the benefits. However, the Framework is clear great weight should be given to conserving and enhancing landscape and scenic beauty in NLs and the planning system should be genuinely plan-led. Substantial weight is therefore ascribed to the harm. Therefore, the harm would outweigh the benefits in this instance.
21. The application of the Framework's policies that protect areas or assets of particular importance, in this case NL's, provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development, is therefore not engaged.

Conclusion

22. I acknowledge that the proposed dwelling has been designed to accommodate people for whom the protected characteristics of age and disability are relevant. I note that the appellant has been unable to find suitable housing in the area. However, I have not been provided with substantive evidence that the appeal scheme is the only feasible option to achieve the appellant's aims.
23. I have had due regard to the Public Sector Equality Duty set out within the Equality Act. Nevertheless, the harm caused by the proposed development outweighs its benefits, including through eliminating discrimination against people with protected characteristics, advancing equality of opportunity for those people and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.
24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR