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# Appeal Decision

Site visit made on 1 May 2024

**by A Price BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> May 2024**

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**Appeal Ref: APP/Z2260/W/23/3328379**

**Land between 310 and 316 Canterbury Road, Birchington CT7 9UD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Venerable Stephen Taylor of Canterbury Diocesan Enterprises Limited against the decision of Thanet District Council.
  - The application Ref is OL/TH/22/1586.
  - The development proposed is described on the application form as 'residential development'.
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## Decision

1. The appeal is dismissed.

## Applications for costs

1. An application for costs was made by Venerable Stephen Taylor against Thanet District Council. That application is the subject of a separate decision.

## Preliminary Matters

2. The planning application was submitted in outline with all matters, apart from access, reserved. I have had regard to the submitted plans but have regarded all elements of these drawings as indicative, apart from access.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of up to 9 No dwellings including access. The Council dealt with the proposal on this basis and so shall I.

## Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - the effect of the proposed development on agricultural land.

## Reasons

5. The appeal site comprises an undeveloped strip of land adjacent to Canterbury Road. It forms part of a much larger parcel of agricultural land that falls outside the appeal site boundary. The site forms a break in the otherwise dense residential development along this part of Canterbury Road and forms part of the transition from urban to rural in this part of Birchington.

6. The appeal site is located within the Central Thanet Undulating Chalk Farmland Landscape Character Area. Key characteristics of this are described as a gently undulating, agricultural landscape including large, intensively farmed fields. These characteristics can be appreciated from Canterbury Road, from the public footpath that passes through the site and the private vantage points of surrounding properties.
7. The proposed development would undoubtedly prevent the appreciation of this landscape from both public and private vantage points and almost entirely close the currently open, verdant gap that exists between existing built form. This would have a harmful impact on the character and appearance of the area.
8. I acknowledge the pending planning application<sup>1</sup> for land located adjacent to the appeal site. This includes, amongst other things, the construction of up to 1,600 dwellings. I accept that this would significantly alter the surrounding area, including how it is appreciated from Canterbury Road. Nevertheless, that application remains undetermined. I have no indication of when that determination may take place or if the scheme is likely to be approved. In any case, even if that scheme was approved, there is no indication of the timelines for its development, and whether this would be on a phased basis. Ultimately, it could take many years for a development to come about on the land adjacent to the appeal site. This is a matter that the appellant has acknowledged in their submission.
9. Moreover, although the appeal site lies within the confines of an urban area, it is undoubtedly outside of any allocated strategic housing site, including the neighbouring site. The existence of that neighbouring allocation, or pending planning application, does not automatically mean that development should be allowed in any site adjoining it where harm has been identified.
10. Although I have limited information before me of the adjoining masterplan scheme, I note from the extracts provided that an open park area has been proposed. This would, if taken forward as shown, relate well to, and complement, the open and undeveloped gap that, in part, forms the appeal site.
11. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area, contrary to the relevant provisions of Policies SP26 and QD02 of the Thanet Local Plan (LP, 2020). These policies, in summary, support opportunities to conserve and enhance landscape character, existing features and local distinctiveness. This is in a similar vein to the National Planning Policy Framework (the Framework) insofar as good design and the protection of landscapes is concerned.

#### *Agricultural land*

12. LP Policy E16 sets out that planning permission will not be permitted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that the benefits of the development would outweigh the harm; that there are no otherwise suitable sites of poorer agricultural quality; and the development would not result in the remainder of the holding becoming unviable or lead to likely accumulated and significant losses of high quality agricultural land.

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<sup>1</sup> OL/TH/20/1755

13. As set out above, whilst the appeal site is not allocated for development, adjacent agricultural land is allocated as a strategic housing site. In the event that any development on the neighbouring site came forward, the appeal site would likely form a relatively small, discrete parcel of land which would be unconnected with any wider agricultural land.
14. Irrespective of this, the preamble to the policy sets out that the term 'significant development' is considered to be any planning application that is major development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Order). This would mean that the development would need to comprise 10 or more dwellings or consist of a site area of 0.5 hectares or more.
15. The proposed development is for up to 9 dwellings and, based on the evidence before me, the appeal site has an area of 0.35 hectares. From that perspective the proposed development would not meet the definition of major development in the Order, and therefore the definition of significant development in LP Policy E16.
16. Overall, I conclude that the proposed development would not harm the best and most versatile agricultural land as it does not meet the definition of significant development required under LP Policy E16. That policy, in summary, seeks to protect such land. Although I have found no harm in this respect, this does not outweigh or overcome the harm identified above, under the other main issue.

### **Other Matters**

17. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are out of date, permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposed development would represent a contribution of up to 9 extra dwellings to housing supply in an area with an acknowledged lack of future provision. I give this moderate weight in the balance.
19. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing of trade to nearby services and facilities. However, by reason of the scale of the development, these benefits are likely to be relatively limited. I therefore afford these benefits limited weight.
20. I note the appellant's efforts to comply with other planning policy requirements, including privacy, minimum space standards and parking. However, these are requirements, not benefits. I afford these matters minimal weight.
21. Overall, I conclude that the adverse effects of granting permission would significantly and demonstrably outweigh the moderate benefits when assessed against the policies of the Framework as a whole.

22. I acknowledge the submitted Unilateral Undertaking in respect of measures to mitigate the impacts of the development on nearby Special Areas of Conservation. However, as the appeal is dismissed, there is no requirement upon me to consider this planning obligation any further.

### **Conclusion**

23. For the reasons above and having had 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