

Appeal Decision

Site visit made on 9 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2024

Appeal Ref: APP/J2210/W/24/3338604

Hornbeams Jesse's Hill, Kingston, Kent CT4 6JD

- 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 Adam Crawley against the decision of Canterbury City Council.
 - The application Ref is CA/23/01698.
 - The development proposed is a detached single storey ancillary annexe following demolition of existing barn, including part change of use of existing paddock to garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an Ecological Appraisal dated January 2024. I am mindful of the advice in the Planning Inspectorate's 'Procedural Guidance: Planning Appeals England', that at this stage no new evidence is allowed. This is because the other parties may not have had the opportunity to comment on it.
3. Nevertheless, I consider the proposal before me is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the Ecological Appraisal.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed as National Landscapes to reflect "their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do". Therefore, I have replaced references from AONBs to National Landscapes.

Main Issues

5. The main issues are:

- whether the proposed development would conserve and enhance the landscape and scenic beauty of the Kent Downs National Landscape and landscape character of the North Downs Area of High Landscape Value; and
- the effect of the proposed development on biodiversity, with particular regard to protected species.

Reasons

National Landscape

6. The appeal site is within the Kent Downs National Landscape and the North Downs Area of High Landscape Value (AHLV). The Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB (National Landscape). I am also mindful of the statutory purpose of National Landscapes to conserve and enhance the natural beauty of the area.
7. The site is part of a large field adjacent to Jesse's Hill, which links Westwood Road to Marley Lane. The boundary to the road is partly formed by a hedge, with gaps in the frontage providing views of the site. The site is towards the top of a dry valley, with the land sloping down towards Marley Lane. These features typify the East Kent Downs Landscape Character Area (LCA), which is characterised by rounded chalk plateau dissected by a series of parallel narrow dry valleys. Accordingly, the site, with its overtly rural character, contributes positively to the natural beauty of the LCA and wider National Landscape.
8. The proposal would replace the existing building with a larger annexe building associated with the dwelling at Hornbeams. While the existing building has utilitarian appearance, its small scale and discreet position adjacent to a hedgerow limits its effect on the wider landscape. The proposed building would be more prominent within the landscape due to its greater scale, including its larger footprint and height. Furthermore, the proposed annexe would have an overtly domestic appearance, which would be harmfully at odds with the rural character of the area.
9. The proposed boundary fence and native hedge planting would relate well to the rural context of the site. Nonetheless, the proposal would result in the spread of residential development beyond the well-contained residential property and, with the enclosure of the site, would erode the open, rural character of the site. Moreover, the associated residential paraphernalia would represent a significant and harmful domestication of the site to the detriment of the natural beauty of the National Landscape.
10. I conclude that the proposal would not conserve the landscape and scenic beauty of the National Landscape and the landscape character of the AHLV. The development therefore conflicts with Policies DBE3, LB1 and LB2 of the Canterbury District Local Plan 2017 (LP) and the National Planning Policy Framework (the Framework), which collectively seek to conserve and

enhance the landscape and scenic beauty of the National Landscape and landscape character of the AHLV including that development should be of a high quality design, in keeping with the rural surroundings and taking account of the way it is integrated into the landscape.

Biodiversity

11. The Council's second reason for refusal relates to the failure to provide sufficient information to demonstrate that the proposal would not have an adverse impact upon ecology, having regard to the status of protected species under the Wildlife and Countryside Act 1981 and as European Protected Species under the Conservation of Habitats and Species Regulations 2017.
12. The appeal is accompanied by an Ecological Appraisal, which assessed the site, including the existing building, and the surroundings. The existing building was assessed as providing negligible potential for roosting bats, whilst the site provided negligible to low habitat suitability for dormice, breeding birds, bats and reptiles. While ponds were identified within 250 metres of the site, one is poorly connected to the site and the other is heavily stocked with fish. Consequently, no further surveys were recommended. Nevertheless, the appraisal has provided measures to mitigate the impact of the development and to enhance biodiversity at the site. These measures could be secured by condition should I be minded to allow the appeal.
13. I conclude that the proposal would not have a harmful effect on biodiversity. The development therefore accords with Policy LB9 of the LP and the Framework, which collectively require development to avoid a net loss of biodiversity.

Other Matter

14. The annexe would provide accommodation for a relative of the appellant allowing for supervision and care to be given whilst retaining an element of independence. Nevertheless, this would not outweigh the harm identified to the National Landscape, which has the highest status of protection and which the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty.

Conclusion

15. The proposal conflicts with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR