



Appeal Decision

Site visit made on 8 October 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/X2220/W/24/3337781

Felder Lodge, Deal Road, Worth CT14 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Nagy Rafla against Dover District Council.
 - The application Ref is 23/00930.
 - The development proposed is 2 No. new build dwelling houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has already been granted for two detached dwellings on land at Felder Lodge¹. In the proposal subject of this appeal, dwelling 1 is the same as in that previous scheme, but dwelling 2 is relocated and of a different design. As such, my decision focusses on dwelling 2.
3. During the determination of the application, an amended site plan (Revision C) was provided to the Council. The Council commented on this plan and I understand it was made public. I have therefore based my decision on this plan as no parties would be prejudiced by this.
4. During the determination of the appeal, the Council adopted the Dover District Local Plan. The Core Strategy has accordingly been superseded and policies DM1, DM11 and DM15 referred to in the putative reasons for refusal are no longer in force. However, policies SP4, PM1, TI1 and NE3 of the draft version of the Local Plan were also referred to, and the versions of these provided to the appellant are materially the same as the versions now adopted.

Main Issues

5. Though the Council failed to make a formal decision on the application, they have produced an officer's report which contained putative reasons for refusal. From this, the main issues are the effect of the proposal on the character and appearance of the area, and whether the development is suitably located with regard to its accessibility to services and facilities.

¹ Ref DOV/21/01581

Reasons

Character and appearance

6. The appeal site is located on the corner of Mill Lane and Deal Road with the private road serving the host dwelling also forming a boundary. Felder Lodge is a large detached house set in a spacious garden. The houses on the east side of Mill Lane are smaller, and on smaller plots, but are also detached. Dwelling 2 would be positioned on land which is currently undeveloped. It is separated from the main garden at Felder Lodge to the north and from the adjoining land to the west, which appears to be divided into paddocks, by post and rail fencing. A tall mature hedgerow lines the Mill Lane frontage, and there are a number of mature trees within the garden at Felder Lodge.
7. The combination of the undeveloped nature of the site and the adjoining paddocks, the spacious plots of the nearby dwellings along with the extensive number of hedgerows and trees, gives the area a verdant and rural character. It is acknowledged that the land is not designated in the Worth Neighbourhood Plan as open space. Nonetheless, the openness of the site when seen alongside the adjacent paddocks, is of value and it contributes strongly to the rural character of the area.
8. This openness is clearly seen through the access to the site from Mill Lane as well as across the land which would form the garden area for dwelling 1. Although dwelling 2 would only occupy a small portion of the larger parcel of land on which it would be sited, and the vast majority of that parcel would remain undeveloped, it would be positioned on that part of the land closest to these viewpoints. The effect of this would be that not only would the development result in the loss of the openness of this corner of the parcel but, due to the large scale of the house, it would also inhibit views of the wider parcel and the paddocks behind. This would significantly detract from the characteristic openness of the area to its detriment.
9. The plans show the vehicular access to dwelling 2 would have visibility splays of 2 metres x 2 metres. The Council do not suggest these are insufficient. These would be achievable without removing any of the hedgerow along the Mill Lane boundary.
10. It is understood that the land is categorised as Grade 1 agricultural land. However it is not currently in active agricultural production, and the appellant advises that it has not been in such use within living memory. There would therefore be no conflict with Policy SP4 of the Local Plan which says that development should not result in the significant loss of agricultural land currently used for agriculture.
11. Overall, although the provision of two detached houses in spacious plots would be comparable to the pattern of housing along Mill Lane, the loss of the openness of the site would cause harm to the character and appearance of the area. The development would therefore be contrary to policy PM1 of the Local Plan which requires development to respect, enhance and make a positive contribution to visual character.
12. The Council state the site is outside, but adjacent to the settlement boundary of Worth. Policy SP4 of the Local Plan says that development within or adjoining the settlement boundary of Worth will be permitted subject to a

number of criteria. One such criteria is that development should conserve landscape character and not harmfully intrude into the open countryside. By resulting in the introduction of built development on a parcel of open land, the proposal would conflict with this policy too.

Accessibility

13. The Council consider that as the development is outside the settlement boundary of Worth, and as Worth is not a settlement with a wide range of facilities, future occupiers would be reliant on their cars to access services and facilities to meet their day to day needs. There are no shops in Worth, though I understand there are some facilities including a school, church and pub. I also note there is a bus stop a short distance from the site which is served by buses providing links to larger towns.
14. In the previous scheme the Council found that the development was in an accessible location. Although dwelling 2 would be slightly further from the bus stop and the services in Worth than it would be in the previous scheme, it is only marginally so and this would not mean the dwelling would be unsuitably located in this regard.
15. As such, there would be no conflict with Local Plan policy TI1, which requires development to be designed so that opportunities for sustainable travel are maximised.

Other Matters

16. The second putative reason for refusal relates to the lack of a legal agreement to secure a financial contribution to mitigate the harms from the development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). However as I am dismissing the appeal for other reasons, and as such a contribution would only mitigate harm and not count positively in favour of the proposal, it is not determinative to the appeal and I need not consider it further.
17. I note the suggestion that the development would provide better privacy and outdoor space for the future occupiers of the development compared to the already permitted scheme. The Council considered these aspects to be satisfactory in the previous scheme and I have no reason to disagree. As such any benefits in these regards are very minimal.

Conclusion

18. The proposal would conflict with the development plan taken as a whole and there are no other considerations to indicate a decision other than in accordance with the development plan. Therefore the appeal is dismissed.

A Owen

INSPECTOR