



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: 29th October 2024

Appeal Ref: APP/X2220/W/23/3336080

Land to the South of Summerfield House, Barnsole Road, Staple CT3 1LD

- 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 Steve Hayden against the decision of Dover District Council.
 - The application Ref is 21/00743.
 - The development proposed is 2 x 4 bedroom houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 The Core Strategy has accordingly been superseded and policies DM1, DM11 and DM15 referred to in the decision letter are no longer in force. However, policies SP4, NE1 and NE3 of the draft version of the Local Plan were also referred to in the decision letter, and the versions of these provided to the appellant are materially the same as the versions now adopted.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the effect on biodiversity.

Reasons

Character and appearance

4. The appeal site sits amongst a small cluster of houses surrounded by agricultural land. The site is largely undeveloped but has some caravans and other domestic paraphernalia on it. It also has a gravel parking area at the entrance.
5. The neighbouring dwellings are all modestly sized and set comfortably in their plots with plenty of space around them. The resultant spaciousness between the houses is a strong and positive characteristic of the locality.
6. The two proposed houses would be located side by side in the site. They would be joined by their carports, and would extend close to the side boundaries of the site. As a result, the development would almost stretch across the entire width of the site. This would contrast starkly with the more spacious settings of the neighbouring houses.

7. In addition, although the development would be largely screened by the hedgerow along the frontage, there would be a clear view of the houses through the access and above the hedges proposed to be provided at the front of each plot. From here, the gap between the buildings at first floor level would be minimal due to the angle of the view and the close proximity of the houses to each other. This limited space between the two units would also differ from the form of the neighbouring dwellings. In addition the large expanse of hardstanding in front of the houses would add to the extent of built form at the site. This would also contrast with the other houses nearby which have very limited areas of hardstanding.
8. Furthermore, the large scale and substantial height of the roofs of the houses would be visible from positions on Barnsole Road across the front garden of Somerfield House and to the side of Layham House above the boundary hedging. The mass of the development would therefore be conspicuous in the street scene and would be a further contrasting element.
9. Any improvement in tidying the site would be limited given the proposal would represent a harmful increase in built form in this rural location.
10. The Council advise the site is within the hamlet of Summerfield and is not within, or adjacent to, the nearest settlements of Barnsole and Staple. It therefore is not within any of the settlements listed in Local Plan policy SP4 within which some residential development could be considered acceptable. However the policy and the explanatory text, explains that for development which is not within the identified settlements, but is also not isolated, the criteria in the policy will apply.
11. As the appeal site is bordered by other houses it could not be considered to be isolated. Part d of policy SP4 requires development to conserve landscape character. For the reasons given above, the development would harm the character of the area. As such the proposal would be contrary to policy SP4.
12. My view is broadly consistent with the Inspector into a previous appeal¹ at the site who considered that the use of the land as a caravan site and supporting development including hardstanding, did not reflect the intrinsic character of the landscape.

Biodiversity

13. Turtle doves are a recognised priority species for the Royal Society for the Protection of Birds (RSPB). They are the fastest declining breeding bird species in Britain and are red listed as a Bird of Conservation Concern. The RSPB advise that Staple and the surrounding landscape is a stronghold for turtle doves in east Kent and a nature reserve has been established nearby to safeguard the population and provide an important foraging area.
14. It is understood that in 2019 a turtle dove was recorded on the site despite the site being cleared of trees the year before. A more recent Turtle Dove Survey Report was produced in 2021 which found no evidence of turtle doves at the site, though did find them nearby including flying over the neighbouring property at Summerfield House. However the RSPB advise that the surveys were not undertaken at the correct time of day so may not accurately assess the presence of turtle doves.

¹ Ref: APP/X2220/C/21/3269950

15. Moreover the RSPB advise that 30-60% of the site should be bare land to act as foraging provision as turtle doves tend to feed on open ground with sparse vegetation and on seeds of low growing wild plants. From the proposed habitat drawing in the Turtle Dove Survey Report, only a very small portion of the southwest corner of the site would be set aside for foraging, alongside a pond, in addition to the existing hedgerows.
16. It is noted that a larger development has been permitted closer to the nature reserve, and in that context the impact from this proposal would not be significant. Nonetheless, it is understood that that scheme included mitigation for turtle doves. As set out above, even if the size of the population could be established, the proposed habitat shown is not sufficient to meet RSPB requirements.
17. In addition although the RSPB do suggest a condition were permission granted, they sustain their objection to the proposal. I do not consider such a fundamental matter could be conditioned, particularly in the absence of a robust turtle dove survey.
18. Therefore, in the absence of an accurate survey, or any other biodiversity assessment, I cannot conclude that the proposal would accord with policy NE1 of the Local Plan which seeks to ensure developments secure a net gain in biodiversity.

Other Matters

19. The third reason for refusal relates to the lack of a legal undertaking 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 any contribution would only mitigate harm and not count positively in favour of the proposal, it cannot be determinative to the appeal and I need not consider it further.
20. There are a number of houses under construction further north along Barnsole Road, and I understand a few houses have been permitted at Summerfield Farm. However, I have limited information on those schemes and so I cannot attest to their comparability with the appeal proposal. In any event, each case must be considered on its own merits.
21. There are Grade II listed buildings near to the site at Summerfield House, Summerfield Farm and Sparrow Hatch. The Council do not consider the development would result in any harm to their setting. Having considered all the evidence before me I have no reason to come to a different view.

Conclusion

22. The proposal would conflict with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal is dismissed.

A Owen

INSPECTOR