



Appeal Decision

Site visit made on 5 November 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2025

Appeal Ref: APP/L2250/W/24/3339716

Ellington, Cowgate Lane, Hawkinge, Kent CT18 7AR

- 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 P Walker against the decision of Folkestone and Hythe District Council.
 - The application Ref is 23/2038/FH.
 - The development proposed is the demolition of outbuildings and erection of a single storey dwelling together with cladding the existing dwelling and provision of landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the application form referred to matters that are not acts of development. As such, I have removed these from the description included in the banner heading above.
3. The revised National Planning Policy Framework (the Framework) and the 2023 Housing Delivery test results were published on 12 December 2024. The parties were invited to provide comments on these matters and I have considered the representations received in my decision.

Main Issue

4. The main issue is whether the proposal would be in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities.

Reasons

5. Policy SS1 of the Core Strategy Review 2022 (CS) defines the open countryside as anywhere outside settlements within Table 4.4 Settlement Hierarchy. CS Policy SS3 directs development towards existing sustainable settlements to protect the open countryside.
6. Hawkinge is defined as a 'service centre' within the settlement hierarchy, and includes shops, employment and public services. Nevertheless, the site is outside of any defined settlement boundary and therefore it falls within the countryside for the purposes of policy.
7. CS Policy CSD3 states that development in locations outside the settlements identified in the settlement hierarchy may be allowed if a rural location is

essential, identifying a list of developments which would be acceptable in principle in these locations. However, no evidence has been provided to suggest that the rural location is essential or that the appeal proposal would fall under any of these exceptions and therefore it would not accord with this policy.

8. Cowgate Lane, in this location, is a narrow rural lane largely bounded by vegetation and trees. While the site is not far from the settlement of Hawkinge, there are no pavements and no street lighting along Cowgate Lane. As such, while vehicles might travel at low speeds in this lane, walking as a matter of routine would likely be unattractive, particularly during the winter months, due to the shorter days. Cowgate Lane does not have a dedicated cycle lane, thereby making cycling an unattractive option for day-to-day family needs.
9. Public Right of Way HE202 (the PRoW) is located opposite the site. The PRoW is relatively flat, but it is unmade, unlit and crosses a field. Whilst it is acceptable for anyone undertaking a walk in the countryside with sturdy footwear, it would be much less suitable for everyday use. It would be potentially unsafe for vulnerable users in the hours of darkness and difficult to negotiate when slippery, if it was wet or icy. As such, while the PRoW leads to the tarmacked footway in Mitchel Avenue in Hawkinge, it would not provide a satisfactory pedestrian access to this settlement.
10. The appellant directs me to a few services and facilities in the area. However, the winter drive play area, supermarket, Village Hall, shops and primary school would be reached via the PRoW, which due to its characteristics as set out above, the PRoW is unlikely to be suited for everyday use. This makes it much more likely that residents wishing to reach the services and facilities would use a car, which would be safer and more convenient.
11. There is a bus stop located within walking distance from the site. While I have not been provided with the frequency of services operating from this bus stop, it would be reached via Cowgate Lane, which would likely be unattractive for the reasons set out above. Therefore, accessing the bus stop to use this service would be a deterrent to choosing this mode of travel. Similarly, access to the play area would be via Cowgate Lane, so subject to the same constraints.
12. The Framework seeks to avoid isolated new homes in the countryside, unless one or more of the circumstances listed apply. These include the re-use of redundant or disused buildings and enhancement of their immediate setting. However, the evidence indicates that the existing building would be demolished, so the proposal would go beyond the re-use of existing buildings. Consequently, I find little support for the proposal from paragraph 84 of the Framework.
13. I acknowledge that the Framework supports opportunities for villages to grow and thrive. However, it also promotes walking, cycling and the use of public transport, and the management of patterns of growth in pursuit of these objectives. For the reasons set out above, the location of the proposed development would not be in line with these aims and, consequently, the proposal would not be an effective use of land.

14. In light of the above, the proposal would not be in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities. It would therefore be contrary to CS Policies SS3 and CSD3, and Policy HB1 of the Folkestone and Hythe District Places and Policies Local Plan (2020). These policies seek, amongst other things, to protect the countryside and support development that prioritises active forms of travel.

Other Matters

15. The site lies within the Kent Downs National Landscape (NL). Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of NL to conserve and enhance the natural beauty of the area. The special qualities of this part of the Kent Downs NL include agricultural fields bounded by hedgerows, with some interspersed blocks of woodland, and gentle topography.
16. The proposal would replace the existing outbuildings which, due to their appearance and state of repair, make a limited contribution to the character of the area. The submitted Landscape & Visual Appraisal demonstrates that, due to its architectural form, scale, sitting, materials and provision of appropriate green infrastructure, the proposal would respond positively to the distinctive character of the area. The Landscape Strategy shows that the scheme would comprise additional hedging and tree planting, which would soften the appearance of the dwelling and assist in integrating it with the surrounding area. Further planting would be provided at the junction between the PRow and Cowgate Lane, which would benefit the street scene. As such, the proposal would not harm the landscape and scenic beauty or special characteristics of the NL.
17. I note that the proposal would be liable for Community Infrastructure Levy contributions. However, this is attributed neutral weight due to these contributions being required to offset the impact of development. Such contributions, in this case, do little to outweigh the harm and policy conflict identified above.
18. The proposal would make a positive contribution to housing supply and there would be associated social and economic benefits during the period of construction and once the dwelling would be occupied. The dwelling would incorporate energy efficiency measures and there would be landscaping and ecological enhancements. Nonetheless, the associated benefits are limited by the scale of the development proposed and would not outweigh the harm that I have identified.

Conclusion

19. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR