
Appeal Decision

Site visit made on 6 January 2025

by **Mark Philpott BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/X2220/W/24/3351605

Land north of Chapel Lane and east of Church Lane, Ripple, Kent CT14 8JG

- 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 Mrs K Swinerd (Ripple Farms Ltd) against the decision of Dover District Council.
 - The application Ref is 22/01320.
 - The development proposed is described as 'outline application for the erection of 6 no. dwellings, car park and open space (with all matters reserved except access)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the heading is taken from the decision notice and appeal form, which describe the site's location in more detail than the planning application form. The description of the development is also taken from the decision notice and appeal form as these reflect changes to the scheme during the application process, which principally entailed reducing the number of proposed dwellings from 9 to 6.
3. Outline planning permission is sought with details of access provided at this stage and matters of appearance, landscaping, layout and scale reserved for future consideration. I have therefore taken the drawings into account insofar as they relate to accessibility to and within the site and otherwise treated them as illustrative.
4. The Council adopted the Dover District Local Plan (LP) in October 2024, after the application was refused. Additionally, the revised National Planning Policy Framework (Framework) and the 2023 Housing Delivery Test (HDT) results were published in December 2024. The appellant had an opportunity to consider any implications arising from the adoption of the LP as part of the appeal process in response to the Council's Appeal Statement. Furthermore, the changes to the Framework are not directly relevant to the key issues for this appeal, and there are no consequences from the Housing Delivery Test results, which are similar those from the previous year. Hence, I have not sought further views on these matters.

Main Issues

5. The main issues are: (i) whether the site is an appropriate location for housing in respect of the LP's settlement hierarchy; (ii) the effect of the proposal on the

character and appearance of the site and the surrounding area; and (iii) the effect of the proposal on the settings of heritage assets.

Reasons

Location

6. The site is adjacent to but outside the designated settlement boundary of Ripple. LP policy SP4 sets out that certain forms of development may be permitted either within or adjoining the boundaries of some settlements, but only inside others such as Ripple. This is reflective of its classification as a smaller village with limited services in the LP's settlement hierarchy, which identifies larger settlements as the focus for growth. The policy also includes provisions to permit certain forms of development outside settlement boundaries subject to various criteria being satisfied, but none are applicable to the scheme. Consequently, the proposal conflicts with the policy and the site not an appropriate location for housing in respect of the settlement hierarchy.

Character and appearance

7. The site includes a car park and part of an arable field adjacent to the junction of Church Lane and Chapel Lane. The car park is accessed from, near to and generally at a higher land level than Church Lane. Vegetation is present along much of the site's boundaries with the highway and separates the car park from the field, yet both are defined by openness. Notably, there is an agricultural access into the field from Chapel Lane. Otherwise, the field is demarcated by gardens to properties broadly to the south-east, a public footpath further east and a restricted byway to the north-east, which all appear on slightly lower ground than the site and the part of Chapel Lane beside it.
8. The Plough Inn and a row of dwellings on Church Lane form a cluster of development near the site. This is distinct from the development leading out of Ripple to the west of the junction, which is largely concealed by landscaping and changes in topography when viewed from Chapel Lane. Another cluster of properties including the Church of St Mary the Virgin is found further along Church Lane near the byway, with the upper parts of the church visible from Chapel Lane. In contrast, the properties to the south-east of the site combine with others beyond them to create a more dispersed pattern of development. The site is otherwise adjacent to open fields that are part of a series making up the countryside, which is most apparent from Chapel Lane and the byway due to their alignments and the ground levels. As such, both lanes in the vicinity of the site have a rural character.
9. The site is located within the Ripple Landscape Character Area as defined by the Dover District Landscape Character Assessment 2020. Amongst other things, its key characteristics include a large-scale arable landscape; a regular pattern of large modern fields; small, nucleated settlements; narrow rural roads connecting traditional villages; and a prevailing open landscape with expansive views out over the countryside. The site aligns with these characteristics, including by contributing to the open arable landscape and providing a sense of separation between the clustered properties on Church Lane and the built form in Chapel Lane to the west and east. Accordingly, it also contributes positively to the rural setting of the properties along Church Lane.

10. The illustrative drawings indicate that the proposed dwellings could be sited close to Church Lane with associated parking and a car park to replace the existing one behind. This would broadly reflect the characteristics of the nearby properties. I also acknowledge that sensitively designed small-scale dwellings and surfacing materials and additional landscaping could come forward for the detailed scheme.
11. Notwithstanding this, the agricultural access from Chapel Lane is to be retained and, due to the local topography, the proposed dwellings would be visible beyond the access and the vegetation from both lanes as well as from the byway. From those locations the open, undeveloped and arable qualities of the site would be eroded by the presence of the proposed buildings and the extent of the accesses and parking areas. In addition, the scheme would narrow the width of the remaining part of the field adjacent to Chapel Lane and thereby diminish the site's contribution to views of the wider network of fields, particularly from that lane and the byway. For these reasons the rural settings of the nearest cluster of properties and the church would be adversely affected. The lack of dedicated footways along the lanes does not justify these impacts.
12. The proposal would therefore harm the character and appearance of the site and the surrounding area. It conflicts with LP policies PM1 and NE2, which set out that development should respect and enhance character and demonstrate particular regard to landscape character areas.

Heritage assets

13. A range of designated heritage assets are found in the area. These include the grade II listed Raspberry Cottage¹, which is located at the end of the nearest row of properties on Church Lane, and the aforementioned church that is grade II* listed². Ripple Conservation Area adjoins the site's south-eastern boundary.
14. Additionally, it has not been undisputed that the inn, Church Cottages and Portland Terrace, which are in the cluster with Raspberry Cottage, are non-designated heritage assets in the terms of the Framework. The submissions suggest that these have been in situ since at least the late 19th century and that Portland Terrace was built for farm workers. Based on the evidence and my observations on site, I have no compelling reasons to disagree, and find their significance to be informed by their rural setting. Moreover, as I have found that the setting of the cluster would be adversely affected by the development, there would be harm to the significance of these properties.
15. According to the statutory list description, Raspberry Cottage is an early 18th century or earlier house that was rebuilt in 1825, but its origins purportedly go back to 1564. Notable features include its modest size, painted brick elevations, thatched roof with raking dormers, stacks and wooden casement windows and porch. Its special interest and significance are informed in large part from those features and its age, as well as its rural setting. The setting of the cottage would be adversely affected for similar reasons as for the cluster within which it is located, with development in the foreground of and competing with views of the roof of the cottage from Chapel Lane in particular. Its special interest and significance would therefore be harmed.

¹ Identified in the statutory list as Stanley Cottage; list entry reference: 1264332

² List entry reference: 1264330

16. Alongside many other qualities, the church is described as dating from 1861, being finished in flint with a plain tiled roof and featuring a three stage western tower with doubled belfry openings and a lead spire. Insofar as it is relevant to the appeal, the special interest and significance of the church is informed by its age and construction including the form of the tower and roof, and as a historic landmark in the landscape as a place of worship for the rural parish. As with Raspberry Cottage, the development would be present in the foreground and compete with views of the upper parts of the church from Chapel Lane. Its setting and therefore special interest and significance would therefore also be adversely affected. While a footpath could be created beside Chapel Lane and from there views of the church would be less restricted by the vegetation beside the highway, this would not address the impacts identified.
17. The Council has referred to several more grade II listed buildings, but based on mapping in its Appeal Statement these are located beyond the church or in the conservation area some distance away. Due to the distance between those heritage assets and the site, and intervening buildings or landscaping, their settings, special interest and significance would be preserved.
18. The significance of the conservation area is informed in large part by a variety of properties of historic and architectural interest within it. The dispersed pattern of development and its relationship with the countryside are also important factors. However, proposals must be judged according to their effect on a conservation area as a whole and therefore have a moderate degree of prominence. Due to the distance from the development and the presence of landscaping beside the site, the setting and therefore significance of the conservation area would be preserved as a whole. In this respect, the proposal accords with LP policy HE2, which supports development that preserves or enhances the special architectural or historic character and appearance of conservation areas.
19. Paragraph 212 of the Framework advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation. The harm identified to the listed buildings would in each case be less than substantial in the terms of the Framework. Paragraph 215 of the Framework sets out that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. In addition, paragraph 216 of the Framework says that, in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. I recognise that small and medium sized sites can make an important contribution to meeting housing requirements. However, following the adoption of the LP, the Council is able to demonstrate a 5 year supply of deliverable housing sites. In that context, the public benefits arising from the provision of 6 additional homes in the district are modest, particularly given that the LP identifies Ripple as a location with limited services. The public benefits from the provision of a new car park would also be modest since a serviceable car park already exists. There would also be benefits arising from the construction process, the occupiers of the development likely spending on and engaging with amenities in the vicinity such as the inn, and various wildlife enhancements specified in the appellant's Preliminary Ecological Appraisal. However, the weight these attract is limited by the small amount of housing proposed.

21. Overall, I do not consider that the sum of the public benefits of the proposed development would be sufficient to outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries. Moreover, the public benefits do not outweigh the harm identified to non-designated heritage assets. The scheme thereby conflicts with the heritage policies within section 16 of the Framework and LP policy H1 which echoes it.

Other Matters

22. It is put forward that the presumption in favour of sustainable development, as set out by paragraph 11(d) of the Framework, is applicable. However, there is no evidence that this is the case following the adoption of the LP.
23. A unilateral undertaking dated 4 July 2024 intends to secure a financial contribution towards mitigating purported impacts on one or more habitats sites as defined by the Framework. Additionally, the LP includes further policy requirements relevant to the proposal that were raised by the Council in its Appeal Statement. LP policy SP5 requires the provision of 30 percent affordable housing on schemes of 6 dwellings or more in designated rural areas including the site. LP policy SP12 specifies that proportionate developer contributions will be sought from new development to support a range of strategic transport infrastructure, having regard to the Infrastructure Delivery Plan or any subsequent guidance. Neither the delivery of nor contributions towards affordable housing or strategic transport infrastructure are proposed.
24. If I had been minded to allow the appeal, I would have needed to have considered these matters in more detail. However, the mitigation of any impacts on habitats sites would be a neutral consideration. Further, even if provision towards affordable housing and strategic transport infrastructure were found to be necessary and secured, the benefits arising from this combined with the other benefits identified above would still be insufficient to outweigh the harm to designated heritage assets, or the other issues and policy conflicts identified.

Conclusion

25. The proposal conflicts with the development plan taken as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. The appeal should therefore be dismissed.

Mark Philpott

INSPECTOR