



Appeal Decision

Site visit made on 13 March 2025

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 APRIL 2025

Appeal Ref: APP/J2210/W/24/3350215

Land to the west of Golden Hill, and south of the Old Thanet Way, Whitstable

- 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 Mr Baldry of PJ Architecture Ltd against the decision of Canterbury City Council.
 - The application Ref is CA/24/00058.
 - The development proposed is Outline planning application for common areas associated with 8 self-build plots.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have therefore considered plans showing how the site could be developed as indicative only. Notwithstanding the outline nature of the proposal, access would be taken from Golden Hill.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.
4. There is a reference in representations from landowners made to the appeal as to the wish to apply for costs. However, those letters are not from the appellant, nor do they advance any grounds. The Planning Practice Guidance¹ sets out that it is not anticipated that awards of costs will be made in favour of interested parties other than in exceptional circumstances, and that it is not envisaged that awards of costs involving interested parties will arise in appeals dealt with by written representations. There are not any exceptional circumstances before me. I therefore have not considered an award of costs further.
5. A number of representations refer to the ownership of the appeal site. The planning application was accompanied by Certificate D as not all landowners could be identified and a copy of the press notice has been submitted. I am satisfied this matter was addressed correctly.
6. Any concerns with how the Council dealt with the proposal during the application stage do not fall within the remit of the appeal process.

¹ Appeals Paragraph: 056 Reference ID: 16-056-20161210 Revision date: 10 12 2016

Main Issues

7. The main issues are:

- Whether the site is a suitable location for the proposed development having regard to the spatial strategy for the area;
- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on highway safety.

Reasons

Suitable location

8. Canterbury District Local Plan (2017) (LP) Policy SP4 confirms that urban areas, including Whitstable, will be the principal focus for development. While the supporting text confirms that built confines are not established for villages, I have been provided with details of the boundary for the urban area of Whitstable. This runs along Golden Hill, with the properties on the western side lying outside the boundary.
9. Consequently, this site is within the Countryside. LP Policy HD4 sets out the circumstances in which new dwellings will be supported in the countryside. The proposal would not meet any of the criteria identified in this policy.
10. Future occupiers of the property would be able to access the existing services and facilities within Whitstable, including a large superstore that is a short walk from the site. The existing cycle network could be accessed with relative ease. However, it is not uncommon for this to be the case for sites that lie close to, but not within a settlement boundary.
11. The site is not a suitable location for the proposed development. It would therefore be contrary to LP Policies SP4 and HD4 which seek to direct development to locations within settlements and allow development in the countryside only in specific circumstances.
12. LP Policy SP1 contains wording similar to a previous version of paragraph 11 of the Framework. I will return to this policy in my planning balance.

Character and Appearance

13. The site comprises part of an expansive area of open space lying between Golden Hill and Thanet Way, beyond which lies fields. There is some, very limited, development within this space but this does not diminish the open nature of the site. It also occupies an elevated position which offers views into Whitstable and beyond to the sea.
14. The appeal site is an irregular shape and would be accessed via an existing driveway. While it is contiguous to the rear boundary of 42 Golden Hill, it is set some distance away from the rear boundaries of the other properties on Golden Hill. The site is some distance from No.42 due to the size of its plot, and also lies well away from Downs Cottage. Consequently, the site appears detached from the existing built form and would not appear as a well positioned extension to the settlement.

15. While scale is not before me, it is likely that the site would be visible, albeit in glimpsed views, in the wider area due to its elevated position. This would reinforce the incongruous position of the site away from the existing built form. While landscaping is also a reserved matter, it should integrate development into the landscape. The position of the site is such that any landscaping would not assist in integrating the development but rather would reinforce its separate position from the existing built form.
16. I have assessed this proposal on my observations at my site visit. The guidance contained within other documents produced by the Council which do not have the force of the statutory development plan would not alter my assessment.
17. The proposal would have an adverse effect on the character and appearance of the area. It would therefore be contrary to LP Policy DBE3 which requires development to have regard to the context of the site and the way the development is integrated into the landscape.

Highway Safety

18. Access is a reserved matter. As required by the Town and Country Planning (Development Management Procedure) (England) Order 2015, the appellant has indicated that access would be taken from Golden Hill. This is the only point of connection to the public highway. While the precise details of the access would be considered at the reserved matters stage, I must be certain that safe access for the development proposed can be secured.
19. The access point is close to the location where Golden Hill changes to a single width carriageway. This creates the potential for there to be conflict between vehicles travelling in opposite directions so it is necessary to ensure that there would be sufficient visibility for vehicles leaving the appeal site.
20. The plans before me indicate a typical visibility splay for a 30mph road. However, not all of this land is within the red line of the appeal site. The Local Highways Authority has set out this land appears to be unregistered. While the appellant considers the sight lines all lie within highways land, there is no evidence of this before me. I therefore cannot be certain that suitable visibility splays could be provided and maintained to ensure that a safe access to the site could be provided.
21. The proposal would give rise to a small increase in the volume of traffic on the surrounding highway network. This could be accommodated and would not have an adverse effect on the operation of the highway. The appellant has demonstrated that a refuse vehicle would be capable of using the access point. However, these are to be expected of any well-designed development and so would be neutral in my assessment.
22. I cannot be certain that the proposal would have an acceptable effect on highway safety. It therefore would be contrary to LP Policy DBE3 which requires proposals to ensure the safe movement of cars within and around the proposed development.

Other Matters

23. The Council's emerging plan is not at an advanced stage, and I have not been provided with any substantive evidence with respect to its content. It is to be

expected that emerging plans will involve development on what is presently countryside. The main parties have strongly differing views as to what should be proposed for this site. I therefore attach no weight to the emerging plan given the high degree of uncertainty with respect to this site.

24. I have no reason to think that a suitable scheme could not come forward at reserved matters stage that would provide for suitable living conditions of future occupiers of the proposed dwellings and have an acceptable effect on the living conditions of surrounding occupiers. A Preliminary Ecological Appraisal was carried out, along with a further reptile survey. A mitigation strategy was recommended which would provide appropriate safeguards to protected species. These would amount to a lack of harm and therefore would be neutral in my assessment.
25. The Self-Build and Custom Housebuilding Act 2015 (as amended) places a duty on relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established through the number of entries on a register the relevant authority is also under a duty to keep. There is no evidence before me to demonstrate any of this. However, there is no mechanism before me which would secure the proposed dwellings as self-build. I therefore attach limited weight to this.
26. I have been directed to other decisions and reports² of the Council which involved allowing housing outside the urban boundary when the requisite supply of housing land could not be demonstrated. However, I do not have full details of these proposals. I have also been directed to a previous appeal decision³ however I have not been provided with full details of that proposal. Nor have I been provided with a copy of the Yorkletts⁴ appeal decision. In any event, my assessment is based on the specific details of this site and the harms that would arise as a result.
27. The appeal site has the potential to increase pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thames, Medway and Swale Estuaries SPA. The appellant has submitted a planning obligation which seeks to provide a financial contribution towards the mitigation of effects. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats sites and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the habitat's sites, with or without any mitigation, would be at best a neutral matter.

Planning Balance

28. It is not in dispute that the Council cannot display a five-year deliverable supply of housing land. The Council considers its supply to be 4.16 years. The results of the most recent housing delivery test show a rate of 62%. There is some uncertainty around the emerging local plan. In such circumstances, paragraph 11d) of the Framework is engaged. Paragraph 11d) ii sets out that planning permission should

² CA/21/01696 and CA/23/00379

³ APP/J2210/W/17/3175031 dismissed 19 February 2018

⁴ APP/J2210/W/23/3323592

be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having regard to key policies.

29. The proposal would result in the delivery of additional dwellings and would contribute towards addressing the shortfall. It is likely that these could be delivered relatively quickly. There would also be economic benefits during the construction and occupation stages of the development. The proposal could deliver self-build properties. Overall, I attach limited weight to these benefits given the small scale of the proposal and the lack of certainty regarding self-build.
30. The site in itself is contrary to the locational policies of the development plan. However, the site access leads onto Golden Hill, which forms the boundary for the urban area of Whitstable. The locational policies of the LP seek to direct development to urban areas including Whitstable, and future occupiers would be able to readily access the services and facilities it contains. This includes by means other than the private car. I therefore attach limited weight to this conflict.
31. There would be adverse effects on the character and appearance of the area which would bring the proposal into conflict with paragraph 135 of the Framework in so far as it requires development to add to the overall quality of the area, and maintain a strong sense of place using the arrangement of streets, spaces and building types to create attractive places. I also cannot be certain that safe and suitable access to the site could be provided, contrary to the advice in paragraph 115 of the Framework.
32. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development and would not receive support from LP Policy SP1.

Conclusion

33. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR