
Appeal Decision

Site visit made on 28 April 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th May 2025

Appeal Ref: APP/X2220/W/24/3351066

Land at Eastling Down Farm, Sandwich Road, Waldershare, Dover, CT15 5AS

- 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 P Butcher against the decision of Dover District Council.
 - The application Ref is 23/01441.
 - The development proposed is the erection of four, two-storey dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, it adopted in October 2024 the Dover District Local Plan to 2040 (LP). It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The policies in the LP supersede some of those referred to in the Council's decision notice. The parties have had an opportunity to address these changes in policy within their submissions.
3. The original application was made in outline with means of access to be considered and I have therefore dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issue

4. The main issues in this appeal are whether the site represents an appropriate location for the proposed development, having regard to the site allocation within the Dover District Local Plan to 2040 (LP) and the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is within LP policy SAP1 (Whitfield Urban Expansion). This is a strategic allocation, part of which was first identified in the Core Strategy (2010) for the delivery of at least 5,750 homes with an accompanying Whitfield Supplementary Planning Document (SPD) in 2011 which provides the current planning framework for the delivery of the site.

6. The supporting text to policy SAP1 sets out that work is currently underway with the main landowners, developers and other stakeholders to update the master plan, phasing plan and delivery strategy to account for the passage of time since the original SPD. SAP1 envisages that the original Core Strategy allocation will be extended to provide an additional 600 homes – bringing the total number of houses to be delivered on the site to approximately 6350 homes.
7. Furthermore, the supporting text sets out that each planning application, outline or full, will need to demonstrate how it is compliant with the agreed masterplan, with any deviations justified and supported by evidence that it does not prejudice the implementation of the allocation as a whole.
8. The appeal site comprises a small section of the allocation on its northern edge and is adjacent to the existing farmhouse and is currently used as a licensed camping and caravan site. The site is currently surrounding by agricultural fields and is rural in character. However, it is envisaged, through the housing allocation, that the development of Whitfield will encompass the agricultural fields.
9. The existing SPD does not extend to cover the appeal site, which was outside of the allocation under the previous local plan, but the parameter plan shows the northern edge closest to the appeal site as landscaping and a cemetery, to create a buffer to the development. As such there is no certainty that built development was to be delivered up to the boundary of the appeal site.
10. The policy is clear that a revised masterplan will be required to set out the distribution of land uses and sustainable design and layout principles. This should include a landscape led approach to the layout and form of development and that the need for a burial ground/cemetery forming part of the open space will need to be assessed. This highlights that these matters and the areas to which they may be directed still need to be agreed.
11. In the absence of a revised masterplan, the proposal has the potential to undermine the objectives of the policy, through piecemeal development without regard to the broader implications for the proper planning of the wider site. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction. Therefore, the proposal is contrary to policy SAP1 of the LP.
12. The Council's reason for refusal sets out that the development would be located in an unsustainable location, beyond the settlement confines, contrary to policy SP4. However, the newly adopted local plan allocates the site for residential development and Policy SP4 – Residential Windfall Development defines windfall sites as those that have not been identified for residential development through the land allocation process and as such is not directly relevant to the appeal proposal.

Character and appearance

13. Policy PM1 of the LP requires all development to achieve a high quality of design. As the application is in outline, with only means of access to be considered the detailed design requirements, as set out in Policy PM1, are not before me for consideration as part of this appeal. However, given the overall size of the site and the scale of development an appropriate density to respect local context is likely to be achievable. Therefore, based on the information before me, there is no conflict with Policy PM1.

14. Policy NE2 of the LP sets out that proposals should demonstrate particular regard to the Landscape Character Area as defined by the Dover District Landscape Character Assessment 2020 (LCA), with reference to certain landscape characteristics.
15. The Council have not made reference to the LCA in either their officer report or their appeal statement and as such I do not have any evidence before me that they are seeking to rely upon it. However, the appellant has provided extracts of the LCA and set out that the appeal site lies within Landscape Character Area E2 Whitfield Parkland. The LCA acknowledges the strategic development planned for Whitfield and recommends that it secures a sensitive and integrated urban edge with the farmland.
16. The pattern of development, as currently exists, is that of sporadic and low density development, however the appeal site is located at the entrance to Eastling Down Farm which contains a range of outbuildings within a cluster. Despite being an undeveloped field, the site with its existing fencing and boundaries is visually contained. As such I consider that any residential development of the site would be viewed within the context of the existing buildings and depending on the overall size and scale of the proposed dwellings, would not be harmful to the wider character and appearance of the site.
17. Therefore, the development would accord with policy PM1 and NE2, in so far as the details that are before me and would not result in harm to the character and appearance of the area.

Other Matters

18. The site is of a scale appropriate to the size of the existing settlement and there is no evidence that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide support to local services.
19. Therefore, noting the scale of the development proposed, I have attributed moderate weight to the delivery of housing in this instance, which would contribute to housing supply in the area and the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
20. However, the identified adverse impacts of the development to which I have afforded considerable weight would significantly and demonstrably outweigh the benefits outlined above.
21. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

22. In conclusion, whilst I have found that the development would not be detrimental to the character and appearance of the area, significant harm would be caused in respect of the broader implications for the proper planning of the wider site allocated under Policy SAP1 of the LP. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR