
Appeal Decision

Site visit made on 20 May 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/J2210/W/24/3355742

Greystones, Coombe Walk, Yorkletts, Kent CT5 3AL

- 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 Michael Hartman against the decision of Canterbury City Council.
 - The application Ref is CA/24/00993.
 - The development proposed is the demolition of existing dwelling. 2no 2 storey detached dwellings with detached garages and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Additional survey information in the form of a Preliminary Ecological Appraisal and Biodiversity Net Gain metric calculations have been submitted with the appeal to address the Council's second reason for refusal regarding the scheme's effect on ecology and biodiversity. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the additional reports do not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents. The Council accept that the information submitted would overcome their second reason for refusal and I have therefore not included this as a main issue.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the appeal proposal having regard to the Council's strategy for the location of development;
 - the effect of the appeal proposal on the character and appearance of the surrounding area; and,
 - the effect of the appeal proposal on the integrity of the European designated sites.

Reasons

Location

4. Policy SP4 of the Canterbury District Local Plan adopted 2017 (Local Plan) sets out the Council's strategic approach to the location of development. It identifies that the

urban areas of Canterbury, Herne Bay and Whitstable will continue to be the principal focus for development together with development at the rural service centre and local centres. The supporting text for the policy clarifies that new development in rural settlements should be limited, proportionate to their scale and position in the settlement hierarchy. The hierarchy is based on the size of settlements and the range of services they possess. Yorkletts is not identified as a settlement within the hierarchy and is therefore classified as countryside for the purposes of planning policy.

5. Local Plan Policy HD4 sets out that new dwellings within the countryside will only be granted in a limited range of circumstances, the criteria for which include an essential need for a rural worker, securing the optimum viable use of a heritage asset, the re-use of redundant or disused buildings or dwelling with a design of exceptional quality or innovative nature. The appeal proposal would not meet these limited criteria and it therefore conflicts with the strategy for the location of new housing, which aims to direct new development to locations according to their position in the settlement hierarchy and consequently, their access to services.
6. In terms of the range of services in proximity to Yorkletts, my attention has been drawn to the presence of a coffee shop, sandwich take-away and convenience shop within a petrol station which all form part of a services area just off the A299. From my observations on site, whilst it would be a 15-20 minute walk, the route from Coombe Walk along Dargate Road and Highstreet Road comprises narrow lanes with limited footways, intermittent street lighting and varying speed limits. I do not consider that this route would encourage walking or cycle use as an alternative to the private car to access local services and facilities and it would not be suitable for those of impaired mobility or with buggies. This would also be the case in terms of the recreation opportunities offered by Victory Wood and Foxes Cross Bottom nature reserve, and employment/commercial uses on Plumpudding Lane and Highstreet Road.
7. In any event, given the very limited range of services near the appeal site, to access essential services including larger supermarkets, schools and medical facilities, future residents would need to travel to Whitstable, Faversham or Canterbury. A bus service links Yorkletts to Whitstable and Faversham. However, the service is infrequent and does not run during the evenings or on Saturday afternoons or Sundays. As such, I do not consider it presents a convenient or realistic alternative to the use of private cars to access essential services and facilities.
8. The appeal site is near other dwellings along Coombe Walk and the proposal would not result in isolated dwellings in the context of Paragraph 84 of the Framework, which sets out that new isolated homes should be avoided in the countryside. Even though the appeal site is not 'isolated' and would contribute to maintaining the vitality of a rural community, given my findings above, it is not in a location that is reasonably accessible to services and facilities required for every-day living and as such future residents are likely to be reliant on private cars for most journeys. Whilst the Framework acknowledges that sustainable transport solutions will vary between urban and rural areas, this does not overcome the harm I have identified as a result of the limited public transport and access to local services.
9. I conclude on this main issue therefore that the site is not a suitable location for the proposal having regard to the Council's strategy for the location of development, and would conflict with Local Plan Policies SP1, SP4 and HD4. Amongst other things,

these policies reflect the presumption in favour of sustainable development, set out the strategic approach to the location of development and limit new dwellings within the countryside. These policies reflect the Framework's aims regarding sustainable travel and sustainable patterns of development in rural areas.

Character and Appearance

10. Coombe Walk is an unmade no-through road. Its south-eastern side is lined with dwellings which are generally well separated and set within very large plots. Built development appears more sporadic towards the end of the lane and the transition to open countryside beyond. A densely wooded area lies to the south and east. The open landscape, unmade lane, large plots with low-density built form and natural and open boundary treatments give the immediate area a rural, verdant character and appearance. I note that there are some more suburban features including close board fencing and gates outside some properties in the area, but nevertheless, the overriding character of Coombe Walk is open and rural.
11. There are a wide variety of forms and styles of building in the vicinity. The proposal would replace the existing single storey dwelling with two 2-storey, 4-bedroom dwellings. Whilst there is no dispute over the detailed design and use of materials, the proposed houses would, due to their scale, proximity and consolidation of built form over the site, have a harmful urbanising effect on the rural surroundings.
12. Whilst it would unlikely be visible from Dargate Road or other Public Rights of Way nearby, it would nevertheless be a prominent form of development in views from Coombe Walk itself and adjacent dwellings. I do not consider the use of a condition requiring a landscaping scheme would be sufficient mitigation to overcome the harmful effect of the urbanising development form in this edge of settlement location.
13. Whilst I note that the supporting text to Local Plan Policy SP4 acknowledges that infilling could potentially contribute to small scale development within villages, it also states that this would be dependent on the individual characteristics of the location. In this case, the area has an open and rural character due to the prevailing pattern of development along this part of Coombe Walk. For the reasons set out above, the appeal proposal would harm the rural character and appearance of the replacement of the surrounding area.
14. In conclusion on this main issue therefore, the urbanising effect of the proposal would harm the rural character and appearance of the surrounding area. This would be contrary to Local Plan Policy DBE3, which amongst other things, seeks to protect and reinforce the local character and context of an area.

European Designated Sites

15. The appeal site falls within the Zone of Influence of the European designated sites of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site and the Thames, Medway and Swale SPA and Ramsar site. These sites are designated due to their international importance for their wetland plants and over-wintering bird populations which vary across the sites.
16. Local Plan Policy LB5 in its supporting text identifies that there have been marked declines of bird populations within the Thames, Medway and Swale SPA and Ramsar site. Natural England has also advised that the planned quantum of housing in Canterbury and Thanet is likely to result in a significant effect on the bird interest

of the Thanet Coast and Sandwich Bay SPA and Ramsar site, notably over-wintering Turnstones. Disturbance is one potential factor, and studies have shown recreational activities to cause disturbance impacts to birds.

17. There remains a probability or risk that the proposed development could have a likely significant effect on the Thanet Coast and Sandwich Bay SPA and Ramsar site and Thames, Medway and Swale SPA and Ramsar site, as the proposed development would be likely to exacerbate existing recreational pressures on these sites either alone or in combination with other plans or projects. I am therefore required to carry out an appropriate assessment pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). This responsibility falls to me as the competent authority in the context of this appeal.
18. I must therefore consider whether measures could be put in place to avoid or mitigate the impacts of increased recreation pressure arising from the proposed development. The Council have produced Strategic Access Management and Monitoring (SAMM) plans to address the in-combination recreational impacts on each of these coastal SPA/Ramsar sites. They comprise measures including ongoing survey and monitoring work, wardening of the sites along with signage and education, to be funded by new development sites in perpetuity. A tariff-based contribution scheme dependant on the number and size of residential units has been agreed in relation to each designated site.
19. The appellant has provided a unilateral undertaking to secure, amongst other things, the relevant contributions of £1696 towards the Thanet Coast and Sandwich Bay SPA SAMM and £816.14 towards the Thames, Medway and Swale SPA SAMM. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.
20. The Council have raised some issues with regard to the drafting of the undertaking. I am satisfied that the wording secures the SAMM payments prior to commencement of development. Had I been allowing the appeal, I would have gone back to the parties to agree minor amendments to the drafting to deal with the Council's comments.
21. Notwithstanding the small drafting points raised, I am satisfied that with the funding for the proposed mitigation measures in place, the proposal would not have an adverse effect on the SPA and Ramsar sites identified. The proposal would therefore comply with the Habitats Regulations and would be in line with Local Plan Policies SP6 and LB5 which, taken together seek to ensure sustainable development and protect sites of local, national and international conservation importance.

Other Matters

22. I have been referred to various planning permissions for residential development by way of precedent. The examples referred to in Patricxbourne (references CA/23/00157/FUL and CA/23/01163/FUL) were each for single dwellings. The officer's report references 2 previous appeal decisions where the Inspectors for each appeal concluded that Policy SP4 did not preclude residential development in Patricxbourne and identified that a particular footpath link to a neighbouring settlement and its train station would provide public transport access to services and

facilities elsewhere. I note Patrixbourne is listed as a hamlet within Policy SP4 and as such forms part of the settlement hierarchy, even if it is not one of the key locations for housing growth. In contrast, Yorkletts is not identified as forming part of the settlement hierarchy. The presence of a footpath linking to a train station would also indicate a greater level of accessibility and potential for access to more sustainable transport options than the appeal site. As such, I do not find these examples comparable to the scheme before me.

23. Reference is also made to a site at Harriets Corner, Seasalter (reference CA/22/01279) where permission was granted for a single dwelling which was allowed by the Council's planning committee. Nevertheless, the specific details and circumstances which led to that planning permission being granted are not before me. On this basis, I am unable to draw any meaningful comparisons with the appeal proposal. I have determined this appeal on its own individual merit based on the evidence before me and my observations on site.
24. My attention has also been drawn to an officer's report for a site in Herne Bay (reference CA/23/02152/FUL) which referenced the likelihood of the Council failing to achieve 75% in the Housing Delivery Test. I have little detail before me regarding this case, however the officer's report makes it clear that the site in question was considered reasonably accessible sufficient to reduce the dependency of future residents on the private car to access nearby services and facilities within the urban area of Herne Bay.
25. The Council is satisfied with matters including the dwellings' floorspace and layout, their effect upon the living conditions of neighbouring occupiers, drainage, sustainability, refuse and cycle storage and flood risk. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance

26. As a small site, this proposal could be built out quickly. It would make a small contribution to the Council's windfall completions on brownfield land which have been generally declining since 2018, and it is not located within an area subject to the restriction on development arising from the Stodmarsh catchment water quality issues, as highlighted by the appellant. It would support the Government's aim of significantly boosting the supply of homes. However, the net increase of a single dwelling would provide a limited contribution in this context and I attach limited weight to this benefit. There would be temporary and ongoing socio-economic benefits from the development through construction and the future residents' use of local shops and services, but given the scale of development, those benefits would be very limited.
27. The two houses would be highly energy efficient and would represent an improvement in environmental and energy performance over the existing dwelling.
28. The Council acknowledge that they cannot demonstrate a 5-year supply of land for housing. I have been referred to the March 2024 Addendum to Authority Monitoring Report which indicates a 4.48 year supply although the Council have not confirmed this in their evidence. The latest Housing Delivery Test (2023 measurement) indicates that the Council's delivery of housing was substantially below the housing

requirement of the previous 3 years, at 67%. In these circumstances paragraph 11d)ii of the Framework is applicable.

29. Footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
30. As described above, the benefits associated with the additional dwelling would be limited even taking into account the Framework's objective of boosting significantly the supply of housing, particularly in relation to the contribution of small sites to housing supply, and the Council's housing land supply position. However, the proposal would conflict with key policies of the Framework in directing development to sustainable locations and ensuring developments are sympathetic to local character and landscape setting; I attach significant weight to these matters.
31. There would be significant harm arising from the unsustainable location of the proposed development and harm to the character and appearance of the area. Taken together this would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

Conclusion

32. 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.

L Francis

INSPECTOR