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## Appeal Decision

Site visit made on 11 June 2025

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> June 2025

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**Appeal Ref: APP/Z2260/W/25/3358938**

**Land west of Mannock Drive, Manston Road, Manston, CT12 5FW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr M Sturge against the decision of Thanet District Council.
  - The application Ref is F/TH/24/0456.
  - The application sought planning permission for redevelopment of site comprising 34 two-storey dwellings, together with detached garages and garage block, access roads, open space and play area and landscaping without complying with conditions attached to planning permission Ref F/TH/20/0144, dated 8 April 2021.
  - The conditions in dispute are Nos 1 & 7 which state that:
    1. *The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered MS/1/1, MS/1/3, MS/1/4 and MS/1/6 received 31 January 2020, MS/1/7 received 27 March 2020, MS/1/2, and Insert F received 24 February 2021 and MS/1/5 received, 01 April 2021.*
    7. *The footway shown on approved plan numbered MS/1/5 received 24 February 2021 shall be provided within 6 months of the date of this decision.*
  - The reasons given for the conditions are:
    1. *To secure the proper development of the area.*
    7. *In the interests of highway safety, in accordance with the advice contained within the NPPF.*
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### Decision

1. The appeal is dismissed.

### Background

2. Planning permission was originally given for the estate now known as Manston Park in 2003. A subsequent permission which purported to vary three of the original conditions was granted in 2021. The appeal relates to Conditions 1 and 7 of that permission.
3. The proposal is for the landscaping and treatment of an undeveloped area between the new housing and Manston Road. It does not include a footpath across the land which was previously shown and conditioned in 2003 and 2021. Schemes to build additional houses on the site have been rejected four times at appeal since 2020. The most recent decision relating to two single storey dwellings was in 2025 (Ref: APP/Z2260/W/24/3348751).

### Main Issues

4. These are whether it is necessary to provide a footpath across the appeal site on highway safety grounds or to promote sustainable transport and the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

### *Footpath*

5. In order to promote sustainable transport, the National Planning Policy Framework refers to pursuing opportunities to promote walking and public transport use. Furthermore, places should be created that are safe and which minimise the scope for conflict between pedestrians and vehicles. Policy SP43 of the Thanet Local Plan has similar aspirations in terms of safe and sustainable travel.
6. It has been the intention for a footpath to be provided across the appeal site since 2003. However, in practice it would serve no purpose. This is because there are no pedestrian facilities or rights of way or formal links to the open countryside to the west. The Parish Council refers to the desirability of allowing people to walk to the bus stop in Spitfire Way and the steps being taken to achieve a continuous route. However, residents of Manston Park would need to walk eastwards to access this public transport. Providing a path across the appeal site would do nothing to facilitate that objective.
7. The recent Manston Manor development on the opposite side of the road is due to provide a short path to link with the entrance to Mannock Drive and so a footpath across the appeal site is unnecessary to serve those houses. The Parish Council refers to the importance of pedestrian safety as highlighted in an appeal decision at Foxborough Lane (Ref: APP/Z2260/W/24/3351846). However, the findings of that Inspector were concerned with the need to cross particular roads which is not the case here. Indeed, the absence of a footpath would not directly lead to pedestrians walking in the road as there is no clear 'desire line' to the west.
8. As there has been a long-standing commitment to provide a footpath across this land, it is understandable that there is a reluctance to see this set aside. However, without it, in reality, there would be no obvious risk to pedestrians. As such, there would not be an unacceptable impact on highway safety and the national and local aims for sustainable travel would not be prejudiced. It is therefore unnecessary to provide a footpath across the appeal site. There would be no conflict with Policy SP43 and Policy TP06 is not relevant as this concerns car parking.

### *Character and appearance*

9. In appeal 3348751 the Inspector referred to the appeal site as providing a clear buffer between the properties at Manston Park and the road. Furthermore, that it contributes to the transition from suburban to rural forming a welcome break from the residential developments on either side of this part of Manston Road. This succinct summary of the value of the land is apposite.
10. The cherry trees that line the edge of the road would be kept and supplemented by further tree planting (silver birch and whitebeam) as well as a wild flower mix sown into the topsoil. However, the area on the corner of Mannock Drive that was previously the sales area would remain as a gravel and slate hard surface with no soft landscaping. This has a stark and harsh appearance wholly at odds with the function of the land as a green barrier between the housing and the road. The adverse visual impact of this area would be much greater than the previously proposed path because of its prominence and size.

11. Accepting the proposal to substitute an alternative landscaping plan in non-compliance with Condition 1 would therefore lead to harm to the character and appearance of the surrounding area. The high quality of design sought by Local Plan Policy QD02 would not be achieved.

### **Other considerations**

12. The existing self-sown trees have some biodiversity value although this has not been detailed in any way and they are considered by the Parish Council to be of poor quality. The Council is also concerned that retaining them would potentially interfere with the visibility splays required by the 2021 permission. The appellant disputes this and refers to the possible use of lesser splays. In the absence of an accurate survey plan and information about traffic speeds and volumes along Manston Road it is not possible to reach a definitive view on this point. However, this is not critical to the outcome of the appeal.
13. Reference is made to other planning breaches, enforcement notices and court appearances but these have had no bearing on my assessment.

### **Conclusion**

14. Because the provision of a footpath across the site is not necessary, Condition 7 could, in theory, be removed. However, there would then be a conflict with drawing no MS/1/5 which shows the footpath and is referred to in Condition 1 of the 2021 permission. As the revised landscaping scheme is unacceptable, drawing no MS/1/5 Rev C cannot be substituted for it. Therefore, to avoid issuing a new permission that is internally inconsistent, the only course of action is to dismiss the appeal.
15. However, in the light of this decision, it will be important for all parties to collaborate in order to devise a suitable scheme for this land. This should be at the earliest opportunity given the time that has elapsed and its unkempt condition.
16. The proposal conflicts with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

*David Smith*

INSPECTOR