



Appeal Decision

Site visit made on 22 July 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Appeal A Ref: APP/J2210/W/25/3360576

Land South Of Dargate Road, Yorkletts, Whitstable CT5 3AH

- 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 Quinn Homes against the decision of Canterbury City Council.
 - The application Ref is CA/24/00978.
 - The development proposed is the erection of 1no self/custom-build dwelling with associated access, garage, parking and landscaping.
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Appeal B Ref: APP/J2210/W/25/3360568

Land alongside 141 Dargate Road, Yorkletts, Whitstable CT5 3AH

- 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 Quinn Homes against the decision of Canterbury City Council.
 - The application Ref is CA/24/00977.
The development proposed is the erection of 1no self/custom-build dwelling with associated access, garage, parking and landscaping.
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Decision

1. Both appeal A and appeal B are dismissed.

Preliminary Matters

2. As set out above there are two appeals on adjacent sites. Whilst on different sites, the development proposed on each is the same with the same appellant. Furthermore, the reasons for refusal provided by the Council are the same for each. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The applications which are the subject of these appeals were made as outline applications with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered both of the appeals on this basis.
4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

5. The main issues for both appeal A and B are:
- whether the proposed development would be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

6. Policy SP4 of the Canterbury District Local Plan 2017 (the LP) states that the urban areas of Canterbury, Herne Bay and Whitstable will continue to be the principal focus for development, with particular focus at Canterbury, together with development at the rural service centres and local centres. Yorkletts is not among the settlements specifically listed in Policy SP4 in relation to the location of development, as such the developments can be considered to be in the countryside for the purposes of this policy. As neither of the proposals would be required for agricultural or forestry purposes, they would conflict with Policy SP4.
7. Policy HD4 of the LP gives circumstances where new dwellings in the countryside would be granted and, in the absence of evidence of compliance with any of those points, both proposals would also be in conflict with this policy.
8. These are not isolated sites, as they are located in close proximity to other dwellings. Therefore, paragraph 84 of the Framework is not applicable. However, paragraph 83 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include the consideration of providing support for local services even in a village nearby.
9. Although there are a number of dwellings, there are very few services and facilities within Yorkletts, where the two appeal sites are located. These appear to be limited to a petrol station, convenience store and coffee shop, along with some limited potential employment uses. However, there is no consistent footpath along Dargate Road and street lighting is limited, making these facilities difficult to access by foot for most.
10. A much broader range is available within the nearby settlements of Seasalter and Whitstable, which the appellant indicates is within 5km of the appeal sites and can be accessed by the future residents of the proposed dwellings for work, services and leisure. No information has been provided regarding bus services to these settlements and it is noted that any nearby bus stops would be difficult to reach on foot for the reasons outlined above. Therefore, to reach the services and facilities within Seasalter and Whitstable, the future occupiers of the dwellings would be largely reliant on the use of a car. Although this is only a short drive with good road connections, this cannot be considered to be a fully sustainable option.
11. Whilst paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and

ensure that safe and suitable access to the sites can be achieved for all users. Furthermore, due to the scale of the developments, the benefit to services within the nearby settlements of Seasalter and Whitstable would be limited. Therefore, the proposed developments would be given limited weight in relation to paragraph 83 of the Framework.

12. In conclusion, the necessary services and facilities which would be required by the future occupiers of the proposed dwellings would not be readily accessible and the two dwellings proposed would not provide significant support for local services nearby. There are limited sustainable transport options and therefore the future occupiers would largely be reliant on the use of a car to serve their day to day needs on a regular basis.
13. It is noted that in a relatively recent appeal decision¹, for nine dwellings on Dargate Road, it was considered that although future occupants would be reliant on the use of a car, due to the relationship with Seasalter and Whitstable, it was not 'an entirely unsustainable location'. However, this does not render the area to be considered fully sustainable, for the reasons outlined above, and in this recent appeal decision greater weight was given to paragraph 83 of the Framework, due to the scale of the development, than in the appeal before me.
14. Another appeal decision² granting planning permission for one dwelling, also in Yorkletts, has also been highlighted by the appellant. However, the Inspector in this appeal also concluded that there would be likely to be some reliance by future occupiers of the dwelling on private car journeys to access local services and facilities and therefore this also does not suggest the area is fully sustainable. Furthermore, in this instance any harm in relation to the suitability of the location was outweighed by other considerations and the appeal was allowed.
15. Lastly, a planning application³ for two dwellings in Yorkletts was approved by the Council's planning committee. However, I have limited information before me with regard to the conclusions regarding the sustainability of the site. Therefore, I cannot determine that this decision indicates that Yorkletts, as a whole, is a suitable location for new housing with regard to accessibility to services and facilities.
16. Consequently, for the reasons above, the two developments proposed would not be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities and would conflict with Policies SP4 and HD4 of the LP as outlined above.

Character and Appearance

17. The appeal sites are both currently undeveloped, open areas of grassland surrounded by trees and hedging. They sit adjacent to Dargate Road with an individual access onto each site with a gate to the front. The appeal site in appeal B is triangular in shape and located adjacent to a small row of properties on the southern side of Dargate Road. There is then a small unoccupied gap with the appeal site in appeal A adjacent to this, a rectangular piece of land with no development surrounding it.

¹ APP/J2210/W/23/3323592 (Land South East of Dargate Road, Yorkletts, Whitstable, Kent CT5 3AH)

² APP/J2210/W/18/3204617 (40 Dargate Road, Yorkletts, CT5 3AD)

³ CA/22/02517 (Land at Dargate Road, Yorkletts, Whitstable, Kent CT5 3AB)

18. The surrounding area along Dargate Road is residential in nature with dwellings largely following a linear pattern of development along the road, although the individual design of dwellings in the area is varied. A public open space, Victory Woods, is located to the side and rear of the appeal site with a footpath to this located to the west of the sites from the road. Due to the topography of the area, the land slopes up from the road towards the open space providing views of the site from the side, although this is partially screened by the existing landscaping. The open and verdant nature of the two plots make a positive contribution to the rural surrounds in this particular location, against the backdrop of Victory Woods and the surrounding open space.
19. The proposed developments would introduce one dwelling on each appeal site. Plans have been provided in both appeals showing the proposed layout, elevations and floor plans of the dwellings. However, as they are outline applications with all matters reserved for future consideration, these are for illustrative purposes only. The proposed dwellings on each plot would be highly visible additions from the road and also visible to the public from the footpath to the side.
20. The two proposed dwellings would be located in close proximity to the existing residential development on Dargate Road and would follow the general linear pattern of development. However, although subdivided, the undeveloped, verdant nature of the appeal sites result in land which still appears to form part of the wider open space surrounding the two sites. As such, any domestic built form in this location would encroach upon this rural area, appearing at odds with the wider character and appearance of the area to the detriment of its current contribution to the streetscene and surrounding public open space. The proposals would therefore not appear as a logical extension of development in the area.
21. Although the scale of the proposed dwellings is unknown at this outline stage, due to the limited size of each site, it is likely that the proposed dwellings and any hardstanding necessary for access and parking would take up a significant proportion of both sites. Therefore, whilst it is noted that the appellant intends the proposed buildings to be designed to complement and enhance the existing built development in the area, this would not mitigate against the significant loss of open, undeveloped and green space on both appeal sites.
22. It is noted that in the approval for nine dwellings at Land South East of Dargate Road, in close proximity to the appeal site, the landscape and visual appeal statement supporting this application found there was no unacceptable impact on landscape views beyond the settlement. However, the immediate setting of this nearby site is somewhat different to the appeal sites before me, being located between existing built form on Dargate Road. Therefore, whilst the proposed development in both these appeals is smaller than this approved scheme, it does not render it acceptable in this regard.
23. Therefore, for the reasons above, both of the proposed developments would result in harm to the character and appearance of the surrounding area and would conflict with Policies DBE3 and LB4 of the LP. These policies collectively seek to ensure that new development has regard to the character, setting and context of the site and the way that the development is integrated into the landscape and are sympathetic to the landscape character of the locality.

Planning Balance

24. The Council have confirmed that they cannot achieve a five year supply of deliverable housing and are only able to demonstrate a 4.16 year supply, a moderate shortfall. The most recent housing delivery test was also at 67% of the total requirement. As such, due to the provisions of footnote 8, paragraph 11(d)(ii) of the Framework should be applied.
25. In the context of the development, I have found that the proposals in both appeals would be contrary to Policies DBE3 and LB4 of the LP, resulting in harm to the character and appearance of the surrounding area. The Framework supports the creation of high quality buildings and places which are sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, as these policies are generally consistent with the relevant aims of the Framework, I attach substantial weight to the conflict with them.
26. I have also found that the proposals would be contrary to the Council's spatial strategy for the location of new development as set out in the LP. I have been mindful of the appeal decision, at Land South East of Dargate Road, for nine dwellings in close proximity to the appeal site, where the Inspector gave only moderate weight to the conflict with Policies SP4 and HD4 of the LP and the appeal decision, for one dwelling at 40 Dargate Road, where the Inspector gave a reduced weight to the conflict with SP4 and HD4. Consequently, without evidence to suggest otherwise, I also attach only moderate weight to the conflict with these policies.
27. The development would add to the overall housing land supply and make a contribution to the Government's objective of significantly boosting the supply of housing, with the addition of two dwellings across both appeal sites. The appellant has indicated that the properties could be built out quickly and would result in economic benefits such as employment during the construction phase and local spending by future residents. It is also noted that there is difficulty delivering housing in the area due to legislation relating to nutrient neutrality, particularly the Stodmarsh nutrient neutrality catchment area, which does not affect the two appeal sites. However, given the scale of the schemes, for only two dwellings in total, any such benefits would be relatively small and therefore are afforded limited weight.
28. The proposed developments would also provide two plots in total for self-build and custom housebuilding, secured within the submitted unilateral undertakings for both appeal sites. Paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Housing and Planning Act 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period. The appellant contends that the Council have made no provision in the development plan for self or custom-build housing with no allocated sites for this purpose nor any specific policy relating to it.
29. Whilst the appellant has not demonstrated a specific need within the area for self or custom-build housing, I note that a recent appeal decision at Land South East of Dargate Road, as evidenced by the appellant, does highlight a significant need, with no adopted strategy to address this shortfall. Therefore, two plots for self-build

and custom housebuilding is a material consideration in favour of granting planning permission. Nevertheless, due to the limited scale of the scheme, two plots would not make a significant contribution to addressing any shortfall in provision and therefore can only be afforded moderate weight in favour of the proposed developments.

30. Therefore, even with a shortfall in the five year housing land supply, housing delivery and plots for self-build and custom-build housing, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, individually or in combination. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed developments in both appeals.

Other Matters

31. The Council have concluded that the proposed developments in both appeals would place increased pressure on the special character and ecological importance of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thames, Medway and Swale Estuaries SPA, which without mitigation would be detrimental to the importance of the area. Given that the proposals are for additional housing, there is a reasonable likelihood that these European Sites would be accessed for recreational purposes by future occupiers of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out. A unilateral undertaking has been submitted to secure a financial contribution in relation to this.
32. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

33. Therefore, for the reasons given above and having had regard to all other matters raised, the developments proposed on both sites would conflict with the development plan taken as a whole and I conclude that both appeal A and appeal B should be dismissed.

E Grierson

INSPECTOR