



Appeal Decision

Site visit made on 18 August 2025

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/Z2260/W/24/3354974

137 Monkton Road, Minster, Kent CT12 4EF

- 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 Miss Wendy Mitchell against the decision of Thanet District Council.
 - The application reference is F/TH/24/0861.
 - The development proposed is erection of 1no. single storey 3 bedroom dwelling with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and
 - the integrity of the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar Site (SPA/Ramsar Site).

Reasons

Character and Appearance

3. Regardless of how the urban confines of Minster has been defined, the appeal site other than the access sits outside it. Although the proposed dwelling would not be isolated in the context of paragraph 84 of the National Planning Policy Framework (the Framework), under Policy SP24 of the 2020 adopted Thanet District Council Local Plan (LP), the proposal would be development in the open countryside.
4. There is some variety in the architectural forms and sizes of the dwellings along Monkton Road in the vicinity of the appeal site. Nonetheless, common features in the pattern of development are a relatively consistent alignment of the dwellings which, while set back behind front gardens, face directly towards the road. The result is a predominantly linear stretch of development with the dwellings having a presence in the street scene. Glimpses of the countryside are possible through the gaps between the dwellings which visually reinforces the linear pattern of development and rural quality of the western edge of the settlement.
5. While the proposed dwelling would be relatively modest in scale, the proposal would introduce an incongruous backland form of development into the area. Due to the site's location at the edge of the settlement, the proposed dwelling would be clearly apparent as such when viewed from the west.

6. I note the appellant's contention that the existing boundary hedge could be maintained at a specific height to provide screening for the proposed dwelling. However, I am unconvinced that a reasonable and enforceable condition could require a specific height for the hedge to reach or require planting of a similar height for the lifetime of the development. It would also not be possible for a condition to require replacement planting to match the height and thickness of any existing planting should that existing planting be damaged or removed. A condition could require the provision and retention of boundary fencing, but any fencing of a height sufficient to screen the proposed dwelling would be excessively tall and harsh in appearance.
7. Although the physical presence of the dwelling within the street scene would be limited when in the village due to the screening effect of the existing house at no 137, the proposed division of the existing driveway would be readily perceptible from within the street scene. This would harmfully read as an access leading to a backland dwelling contrary to the prevailing pattern of frontage development.
8. The appeal site is part of a residential garden which appears reasonably contained due to the boundary vegetation. However, the proposal would introduce a multi-tiered pattern of development that would convey a more urban quality, at odds with the rural character of the settlement edge.
9. The appellant has identified some examples of development that extend behind Monkton Road. However, from what I observed, the developments to the south-east and west take the form of cul de sacs where the dwellings have a road frontage. The Council identifies that the development near to 135 Monkton Road replaced agricultural buildings on the site, which was also the case with the development to the west. The examples are not therefore directly analogous to the appeal proposal which I have in any event treated on its own planning merits.
10. Overall, the site's positioning to the rear of no. 137 and the absence of any positive street frontage that the proposed dwelling would have, would fail to reflect the spatial characteristics and prevailing pattern of development in the vicinity. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would consequently fail to accord with Policies SP24, SP26 and QD02 of the LP where they require proposals to conserve, respect or reinforce local character and distinctiveness, as well as the design objectives of the Framework.

SPA/Ramsar Site

11. The site lies within the zone of influence of the SPA/Ramsar Site. The evidence indicates that the qualifying features of the SPA/Ramsar Site are at risk of disturbance from recreational activities. Additional housing near to the coast has the potential to increase recreational visitors. Consequently, when considered in combination with other developments in the area, there would be a likely significant effect on the qualifying features of the SPA/Ramsar Site from the proposal through increased disturbance from recreational activity. Therefore, as the competent authority, it is necessary for me to undertake an appropriate assessment.
12. Considering the conservation objectives, there would be adverse effects on the integrity of the SPA/Ramsar Site from the proposed development through

increased disturbance to the qualifying features from recreational activity. It is therefore necessary to consider whether any potential effects could be mitigated.

13. The Council has developed a Strategic Access Management and Monitoring Plan which provides a strategy to mitigate the potential in-combination impacts of new housing development in the vicinity of the SPA/Ramsar Site. This includes the application of tariffs on development to fund the identified mitigation measures.
14. Although the appellant has indicated a willingness to enter into a section 106 planning obligation that would commit them to paying the required tariff, no such completed obligation is before me. There is therefore no mechanism in place by which mitigation can be secured and controlled. No other alternative solutions have been put to me that would avoid or reduce the effects on the SPA/Ramsar Site. The provision of a single dwelling, taking into account the merits of the case and the modest scale of the development, is not sufficient to amount to an overriding public interest.
15. The evidence is that the proposed development would have an adverse effect on the integrity of the SPA/Ramsar Site and no suitable mitigation has been provided. Hence the proposal would be contrary to the habitat and biodiversity requirements of Policy SP29 of the LP and the Framework.

Conclusion

16. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR