
Appeal Decision

Site visit made on 17 September 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2025

Appeal Ref: APP/X2220/W/25/3363485

Ellandune, Coldblow, Deal, Kent CT14 9JH

- 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 Andrew Parsons against the decision of Dover District Council.
 - The application Ref is 24/00932.
 - The development proposed is outline application for a detached dwelling (with all matters reserved, other than access).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. This appeal relates to a refused outline planning application where all matters except for access to the highway were reserved for future consideration. Insofar as the reserved matters are shown on the submitted materials, I have treated them as illustrating one option as to how the proposed scheme could be developed. The appellant has asked for access to be treated as a reserved matter, which I have addressed in the other matters section of my decision.

Main Issue

3. The main issue in this appeal is whether the proposed development would be in an appropriate location for a new dwelling with particular regard to its proximity to services and facilities, and the spatial strategy in the development plan.

Reasons

4. Policy SP4 of the Dover District Local Plan to 2040, Adopted October 2024 (“the DDLP”), seeks to enable new windfall housing to be delivered in accessible and sustainable locations. They include land adjoining the built confines of settlements which have a reasonable range of facilities, including Deal¹, subject to the Policy’s criteria.
5. The implementation of DDLP Policy SP4 is guided by its supporting text including paragraph 3.71, which states that the built form of a proposed development must be physically and visually related to that of the settlement it adjoins. This will require a development to immediately adjoin the settlement boundary line in most cases. However, schemes will also be considered acceptable where there is a very close connection between the proposed development and the built form of the existing settlement.

¹ Deal includes Sholden and Walmer for purposes of Policy SP4

6. The appeal site is separated from the built form of Deal, where the settlement boundary is drawn, by a considerable distance across a swathe of largely undeveloped land that includes the railway line. Although crossable near to the appeal site, the trees and planting along the railway line form a strong visual barrier in the landscape. As such, there is limited intervisibility between the appeal site and the built form of Deal. For those reasons the proposed development would not physically or visually adjoin the settlement boundary of Deal, nor would it be very close to its existing built form.
7. The evidence before me indicates that the completion of an extant planning permission for a major scale housing development would result in the built form of Deal extending closer to the appeal site. This would significantly reduce the distance of separation between them. Nearly all the remaining undeveloped land between them would be landscaped as public open space, and Public Footpath ED36 would be widened and surfaced in hoggins. Therefore, the environment between them would materially change.
8. Nonetheless, a relatively extensive swathe of largely open and undeveloped land would remain between the built form of that major development and the appeal site. The railway line with its rows of planting and trees would remain a strong visual barrier between them. Consequently, even if the approved major housing development was built out in accordance with the details before me, I consider that the appeal development would neither adjoin nor be very close to its built form or that of Deal, either spatially or visually.
9. In assessing whether there would be a very close connection between the proposed development and Deal, I have also taken account of the functional connectivity for travel between them. This includes the locations of services and facilities that future occupiers of the appeal development would be expected to visit frequently to meet their day-to-day needs.
10. The appeal site is connected to the built form of Deal by walking and cycling routes. The railway station and closest bus stops are located towards the edge of Deal and not especially far from the appeal site. The Council considers the Skylark Loop Cycle Route to provide a safe and direct route between it and Deal, consistent with that objective of DDLP Policy TI1. I find no reason to reach a contrary view.
11. The planned upgrade of Public Footpath ED36 in landscaped surroundings would make the route between the appeal site and those destinations comparatively more attractive than its existing condition. However, there is no indication that it would be lit by artificial lighting and there appeared to be no lighting on the road between the footpath and the appeal site. An absence of lighting is likely to deter walking journeys to those destinations, particularly during the hours of darkness.
12. Coldblow Lane is a narrow unlit road with little space to provide refuge from passing vehicular traffic. As such, cycling along the Lane to reach destinations such as the railway station and bus stops would not be suitable for all future occupiers of the appeal development, particularly less able and experienced cyclists. However, the evidence indicates that vehicle speeds and traffic levels are likely to be low, and the roads within Deal are subject to traffic calming measures and have lighting. Cycling journeys to the railway station where cycle parking is available would therefore be a realistic travel option for a good proportion of the likely future

occupiers of the appeal dwelling, most likely during daylight hours and good weather conditions.

13. Access to rail travel would likely be valued by future occupiers of the proposed development, particularly for commuting and leisure purposes. However, the evidence indicates that the services and facilities in Deal that future occupiers of the appeal development would be expected to visit frequently to meet their day-to-day needs, including shops and schools, are located much further away from the appeal site.
14. Journeys to those services and facilities by walking, cycling or public transport (or a combination of those modes) would be possible. However, even for those occupiers more able to walk and cycle longer distances, and those using a combination of those modes and bus travel, I consider that the distances and journey times to reach them would be significant, even in good weather and daylight hours. Furthermore, purchasing goods in shops is likely to be a short duration activity requiring an almost immediate return journey to the appeal site.
15. Those factors would be expected to significantly deter future occupiers of the proposed dwelling from walking, cycling or using public transport to travel to the services and facilities in Deal that they would likely visit frequently to meet their day-to-day needs. Therefore, on the evidence before me and my experiences at my site visit, I consider that most such journeys by future occupiers of the proposed dwelling would be made by the private car.
16. The number of daily car journeys made by future occupiers of the proposed dwelling to reach day-to-day services and facilities would be small, and the distances travelled would be relatively short. Nonetheless, the negative effects of the greenhouse gas emissions likely to be associated with those car journeys would add up cumulatively over the lifetime of the development causing some moderate harm.
17. For those reasons, and insofar as the appeal site's proximity to services and facilities is relevant, I find that a very close connection between the proposed development and the built form of Deal does not exist. The proposed development would not be in an accessible and sustainable location for windfall housing as required by DDLP Policy SP4.
18. Bringing these points together, the appeal development would not, for the purposes of DDLP Policy SP4, adjoin the built form of Deal where the settlement boundary is drawn, nor would there be a very close connection between them. This would remain the case even if the approved major housing development was built out in accordance with the details before me. The proposed development is therefore located elsewhere in the countryside for the purposes of DDLP Policy SP4 and it would not meet the criteria in i) to v) of the Policy. Consequently, the proposal conflicts with DDLP Policy SP4, read as a whole.
19. The National Planning Policy Framework ("the Framework") states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it does not mean that all rural housing should be approved, nor does it alter my conclusion in respect of DDLP Policy SP4 and the accessibility of services and facilities for future occupiers of the appeal development.

20. Whilst Framework Paragraph 83 provides support for rural housing in enhancing or maintaining the vitality of rural communities, it also sets out that patterns of housing growth should be managed to prioritise sustainable modes of transport and located where it would help to reduce greenhouse gas emissions. The approach taken by DDLP Policy SP4 in enabling windfall housing as part of a plan-led spatial strategy is consistent with those objectives of the Framework as a whole. Consequently, the appeal development's conflict with DDLP Policy SP4 brings it into conflict with the Framework.
21. Taking all the above into account, I conclude that the proposed development would not be in an appropriate location for a new dwelling with particular regard to its proximity to services and facilities. It would therefore be contrary to Policy SP4 insofar as it seeks to deliver windfall housing in accessible and sustainable locations, and would harmfully undermine the spatial strategy.

Other Matters

22. The appeal scheme is supported by a significant number of interested parties, and I have had careful regard to the matters they raise. The proposed dwelling could be family sized and make a small but positive contribution to housing supply in the Council's area, whilst lessening the need to build on agricultural land. Construction and occupation of the proposed dwelling would deliver lasting economic and social benefits for the area. Beneficial gains in the appeal site's biodiversity value could be secured through planning conditions and suspected contamination remediated. Given the scale of the development, those benefits carry limited weight in favour of the appeal proposal.
23. The appeal site has a verdant appearance consistent with its predominant surroundings of fields and tree belts in a rural setting, and it does not negatively affect the character or appearance of the area. The reserved matters could deliver a high-quality family home. However, when assessed against the appeal site's baseline condition, I am not satisfied that a dwelling could result in a visual enhancement to the area as suggested by interested parties. The Council concluded that the proposed development would preserve the rural character and appearance of the area, consistent with criterion d) of DDLP Policy SP4. Even if I were to agree, an absence of harm is a neutral factor.
24. I share the Council's assessment that the proposed access to the public highway would not harm highway safety and satisfactory parking could be provided. Treating 'access' as a reserved matter would give interested parties an opportunity to consider the detailed design of any alternative point of access at the reserved matters stage. If found unacceptable the appellant could revert to the access point shown on the drawing. However, I need not consider access any further as it does not affect my conclusion on the main issue and would not alter the outcome of the appeal.
25. The appellant's signed Unilateral Undertaking (UU) has secured a financial contribution to mitigate the in-combination effects of recreational disturbance by future residents of the proposed development on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site. That site is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017.

26. However, given my conclusions on the main issue, I need not consider this matter further as it would not alter the outcome of the appeal. As the evidence before me indicates that the UU would do no more than mitigate the appeal development's likely significant adverse effect, it would be a neutral factor that does not weigh in favour or against the proposal.

Conclusion

27. For the reasons given above, the conflict with DDLP Policy SP4 is an important matter that brings the development into conflict with the development plan as a whole. The material considerations, including the benefits of the proposal and the provisions of the Framework, are insufficient to outweigh the conflict with the development plan. Accordingly, the proposed development is unacceptable, and the appeal is dismissed.

G Sylvester

INSPECTOR