



Appeal Decision

Site visit made on 21 October 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/Z2260/W/25/3369494

Land east of Field House, Down Barton Road, St Nicholas At Wade, CT7 0PY

- 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 & Mrs Walker against the decision of Thanet District Council.
 - The application Ref is OL/TH/25/0180.
 - The development proposed is a terrace of four 2 bedroom cottages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved. The illustrative site plan shows a row of dwellings behind an existing parking area with access points at either end of the site frontage. Whilst this shows one way that the proposed development could be laid out, it is only indicative.
3. The appellants have suggested that the proposal could be reduced to either two or three units. However, as the Planning Inspectorate's *Procedural Guide: Planning appeals – England* points out the appeal process should not be used to evolve a scheme. This decision will therefore be made on the basis of the development proposed in the application and the information provided in support of it. Other suggestions put forward about alternative courses of action to address the concerns raised by the Council will be dealt with under the relevant issue.
4. Previous proposals at the site have been dismissed at appeal in 2018 (one dwelling¹) and in 2019 (six dwellings²). The findings made by the Inspectors in those cases are material considerations. The Council also refused planning permission for an identical proposal in 2024.

Main Issues

5. These are:
 - The effect of the proposed dwellings on the character and appearance of the surrounding area;
 - The effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area; and
 - The effect on highway safety along Down Barton Road.

¹ Ref: APP/Z2260/W/18/3195331

² Ref: APP/Z2260/W/19/3225268

Reasons

Character and appearance

6. The appeal site comprises part of a grassed field. It is on the edge of but outside the built up village confines of St Nicholas at Wade and is therefore designated as countryside in the Thanet Local Plan. The land is directly opposite the terrace at Prospect Place and separated from the line of development along Down Barton Road by an overgrown paddock.
7. The site is within the St Nicholas at Wade Undulating Chalk Farmland Landscape Character Area. The key sensitivities and qualities of that designation which contribute to its essentially rural character and relatively dark skies are the openness and undeveloped character of the farmland; occasional quiet rural lanes; and long distance panoramic views, big skies and uninterrupted sea views from elevated locations. When judged against these attributes, the site does not perform strongly. Whilst it is largely undeveloped, it is small in size and views across it are not extensive due to the dense hedge along the north-west boundary. The land is also seen in conjunction with existing residential development.
8. The Council does not address the findings of the appellants' Landscape and Visual Impact Assessment. Whilst representations claim that this is inadequate, no specific deficiencies have been identified and it provides a systematic assessment of landscape sensitivity, the zone of visual influence and receptors. Although the Assessment refers to six two-storey semi-detached houses, the finding that development here would be of very limited wider visibility holds good. As such, there would be no significant adverse effect and no conflict with Local Plan Policy SP26 as landscape character and local distinctiveness would be conserved.
9. However, the proposal would be clearly apparent from Prospect Place and from the road. As such, it would intrude into an open area and suburbanises its appearance which would be at odds with its countryside location. Given that the proposed houses would be directly adjacent to Prospect Place and close to the continuous linear development along Down Barton Road, they would not be visually isolated from the built-up area. The Inspector in the 2019 appeal considered that that proposal would be divorced from the village but I cannot agree given its proximity to, and relationship with, existing residential buildings.
10. Nevertheless, the proposal would harm the character and appearance of the surrounding area, albeit to a limited degree. As such, it would be contrary to Local Plan Policy SP24 on development in the countryside and the general design principles in Policy QD02 as it would not reinforce the local character of the area.

Integrity of the Thanet Coast and Sandwich Bay Special Protection Area

11. The proposal would be liable to increase recreational disturbance to overwintering birds within the Thanet Coast and Sandwich Bay Special Protection Area (SPA). In combination with other development in Thanet, there would therefore be a likely significant effect on the interest features of this habitats site. Local Plan Policy SP29 indicates that all proposals for new residential development should comply with the Strategic Access Management and Monitoring Plan. This comprises a package of measures to mitigate the effects on the SPA. The policy requires a financial contribution based on a tariff.

12. The appellants are prepared to submit a unilateral undertaking to this effect but no planning obligation has been completed. The *Procedural Guide* indicates that this should have been submitted at the time the appeal was made. Furthermore, that the issue of a decision will not be delayed to wait for one to be executed unless there are very exceptional circumstances. None have been put forward.
13. Reference is also made to a 'Grampian style' condition. However, the Planning Practice Guidance (PPG) on *Use of Planning Conditions* indicates that a negatively worded condition limiting the development that can take place until a planning obligation has been entered into is unlikely to be appropriate in the majority of cases. The exceptional circumstances referred to in the PPG when such a condition may be appropriate do not apply.
14. Therefore, there is no mechanism in place to secure the requisite payment. As a result, following an appropriate assessment, the integrity of the SPA would be adversely affected and there would be conflict with Policy SP29.

Highway safety

15. Down Barton Road is narrow at this point. The lane is used by HGVs and is said to have become busier as activities at the end of it have expanded. The amount of traffic using Down Barton Road would increase due to the additional households created but not to the extent that the residual cumulative impact on the network would be severe. There is no pavement outside the site but future residents could use the one immediately to the north-east to access village facilities on foot.
16. The suitability of vehicular access needs to be assessed in the context of an outline application where various permutations would theoretically be possible at the reserved matters stage. However, the options in this respect are limited due to the size of the site and its consequent ability to accommodate the proposed terrace together with garden areas and parking spaces as well as the retention of the existing parking. This is shown to be tarmacked over as part of the development and there is also a roadside hedge to the south-west outside of the appeal site which could impede vision. In these circumstances it is far from clear how an acceptable access to serve the proposal could be devised that would incorporate the splays of 2.4m by 43m sought by the Council.
17. The lack of any request for further details in this respect during the life of the application is not a telling factor. Neither is there clear evidence of other recently permitted developments nearby where similar highway and site conditions applied.
18. It may ultimately be feasible to achieve a safe access solution but from the information provided this is not the case. There would therefore be an unacceptable impact on highway safety and a conflict with Local Plan Policy TP06 as satisfactory provision would not be made for the parking of vehicles.

Other Considerations

19. The scheme is intended to provide "affordable" units. In particular, to cater for young families, first-time buyers and older residents wishing to downsize from larger properties. Although the National Planning Policy Framework recognises the needs of different community groups, there is no evidence to indicate that there is an overriding requirement for smaller properties in Thanet. Moreover, nothing is in place to secure the housing for those whose needs are not met by the market.

20. As the site is outside the confines of St Nicholas at Wade the proposal does not benefit from the support of Local Plan Policy HO1 which establishes that planning permission will generally be granted for housing development on non-allocated sites within villages. Policy HO16 is concerned with rural housing need and exception sites but does not apply. There is no planning obligation that secures priority occupation to existing residents or those with local family connections.
21. The Framework indicates that rural housing can promote sustainable development by enhancing or maintaining the vitality of communities. However, the indications are that the village has grown markedly and there is also nothing to suggest that local services need support.
22. The latest information from the Council is that it has a housing land supply of 3.18 years which is below the Government's expectations. It achieved a measurement of 67% for housing delivery against the identified housing targets in the 2023 Housing Delivery Test results. This is also below the Framework's requirements. In this context, four houses would be a useful supplement to the existing stock.
23. Therefore, the type and location of the proposal would not be particularly beneficial in meeting specific housing needs in Thanet. Nevertheless, the provision of extra homes in an area where delivery has fallen well behind in recent years and where the level of future supply is poor, is a matter that favours the appeal.
24. The appellants point out that other developments have been accepted by the Council on the periphery of St Nicholas at Wade since 2016. However, these do not set a compelling precedent that has to be followed in each and every case. Indeed, the 2019 Inspector identified differences between the development in Summer Road and that proposed on the appeal site.
25. If planning permission were granted there would be a requirement to submit a biodiversity gain plan for approval before development could proceed. That plan should include details of the pre-development biodiversity value of the on-site habitat as per paragraph 14(2) of Schedule 7A of the Act. On the basis of the appellants' baseline report and small site metric, the Council is not satisfied that the statutory 10% biodiversity net gain could be achieved. However, as the appeal is to be dismissed in any event this matter does not form a further objection.

Conclusions

26. The proposal would cause limited harm to the character and appearance of the surrounding area, would have an unacceptable impact on highway safety and would have an adverse impact on a protected site of international nature conservation importance. As such, it would not accord with the development plan.
27. The provision of four new houses would be advantageous given the track record of under-delivery and the current housing supply position in Thanet. However, as an appropriate assessment has concluded that the project would adversely affect the integrity of a habitats site, the presumption in favour of sustainable development at paragraph 11 of the Framework does not apply. Moreover, in these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding. Therefore, for the reasons given, the appeal should not succeed.

David Smith INSPECTOR