



Appeal Decision

Site visit made on 7 October 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal Ref: APP/X2220/W/25/3366185

Land to the South of Summerfield House, Barnsole Road, Staple, Kent CT3 1LD

- 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 Mr Jamie Ransley against the decision of Dover District Council.
 - The application Ref is 24/00361.
 - The development proposed is erection of a 5 bedroom detached dwelling, driveway and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At time of my site visit, the site mainly comprised undeveloped grassland. However, there was a gravel parking area at the access, and caravans and domestic paraphernalia were situated toward the front of the site. It is my understanding that the existing development and occupation of the land is unauthorised and does not represent a fallback position. I have assessed the proposal on the basis of the site comprising undeveloped land.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, having regard to the local development strategy;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on protected species, with particular regard to turtle dove habitat, foraging and breeding areas.

Reasons

Whether a suitable location

4. The site is a parcel of land formally associated with the dwelling located to the north. Policy SP3 of the Dover District Local Plan 2024 (DDLPL) distributes housing growth through site allocations and suitable windfall proposals, in accordance with the hierarchy of settlements.
5. DDLPL Policy SP4 directs new residential development to sites within or adjoining the settlement boundaries of specified settlements. As set out at paragraph 3.67 of

the DDLP, the purpose of Policy SP4 is to achieve a balance between allowing residential windfall development in rural settlements and the need to protect the scale, character, built form, economy, heritage and natural environment of the settlements themselves, as well as their settings and surrounding countryside.

6. The proposed development would not adjoin and would be outside of any settlement boundary, including the nearest settlements of Staple and Barnsole. The proposed development would be in the countryside. The proposal would not therefore direct development to settlements identified by Policy SP4.
7. As identified in a recent appeal decision¹, the site is bordered by other houses and is not isolated. However, in locations outside of settlement boundaries, Policy SP4 permits development of both isolated and non-isolated new dwellings only in exceptional circumstances. The proposal does not seek to meet the need of an essential worker, has not been advanced on grounds of exceptional design quality, and would not secure optimal use of a heritage asset, re-use of a redundant or disused building, nor subdivide an existing residential building. Therefore, the exceptional circumstances would not apply to the proposal.
8. In addition, DDLP Policy SP1 sets out the Council's approach to seeking to mitigate against and adapt to climate change, including reducing the need to travel and maximising opportunities for sustainable transport. There is a public house that offers a small shop within walking distance of the site. However, future occupants would generally be dependent on a private vehicle for access to higher order settlements to meet their day-to-day needs.
9. The proposed development of one additional dwelling would make a small contribution to the supply of housing in the area. However, as set out above, the proposed dwelling would not be sited in a location identified for development by the DDLP's spatial strategy, and the location would offer poor accessibility to facilities and services thus failing to reduce the need to travel. There are no policies which positively support development in this location. Consequently, the proposed development would not be in a suitable location.
10. For the reasons set out above, the proposal would conflict with DDLP Policies SP1, SP3, and SP4.

Protected species

11. Turtle doves are a recognised RSPB priority species and are on the "Red List" as birds of the highest level of conservation concern. The RSPB state the area is a stronghold for turtle doves, and a community nature reserve has been developed close to the appeal site to safeguard the population and provide a foraging area.
12. Prior to the appellant's ownership, the site was cleared of trees and nesting habitat. However, in 2019, a male turtle dove was recorded on the site, indicating an attempt to nest. The Council suggest the hedgerows which run along the boundary of the site offer foraging and nesting opportunities.
13. Section 99 of the ODPM Circular 06/2005² advises the presence or otherwise of protected species, and the extent that they may be affected by the proposed

¹ Appeal decision ref: APP/X2220/W/23/3336080

² Government Circular: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, Office of the Deputy Prime Minister, 16 August 2005

development be established before permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

14. A previous survey undertaken for the site was deemed inadequate, and a recent appeal decision³ relating to the site identified a need for a robust, accurate, baseline survey to enable the impacts of the development on turtle doves to be assessed. Whilst the appellant has expressed they are willing to carry out further surveys, the proposal contains no baseline survey. Therefore, there is uncertainty regarding both the presence of turtle doves on the site and the effects of the proposed development on turtle dove populations and habitats.
15. To mitigate the impacts of the development and compensate past habitat losses, the proposal earmarks an area at the rear of the site, beyond the curtilage of the proposed dwelling, as dedicated turtle dove habitat. The appellant has set out proposed measures relating to the management of the habitat, including retention of hedgerows and formation of a buffer strip, soft landscape planting, creation of a pond, annual planting and pond maintenance, supplementary feeding, and introduction of a footpath for maintenance access.
16. However, I have been provided insufficient information to demonstrate the measures could be secured through planning conditions in accordance with the statutory tests. It is unclear if all measures could reasonably be enforced by the Council and, in the absence of baseline survey information, whether the measures are fairly and reasonably related in scale and kind to the development.
17. The appellant intends to work closely with the RSPB and local turtle dove sanctuary to maintain the proposed habitat area. However, to secure long-term management and designation of the habitat would require registration of a land charge and a legal agreement between relevant parties. Whilst the appellant has secured written agreement from the sanctuary manager to maintain the proposed habitat, the status of this agreement is unclear. The draft unilateral undertaking submitted during the appeal includes no obligations relating to management of the proposed habitat, and no legal mechanism has been provided to secure the bespoke arrangements necessary to provide the monitoring and maintenance of the proposed habitat.
18. Therefore, in the absence of adequate baseline surveys and mechanism to secure long-term management of the proposed habitat, I cannot be certain the proposed development would not harm the habitat, foraging, and breeding areas of protected turtle dove species.
19. Paragraph 187 of the National Planning Policy Framework (the Framework) requires proposals minimise impact on and provide net gains for biodiversity and incorporate features which support priority or threatened species. Framework paragraph 193 indicates that planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided, mitigated, or compensated for.
20. For the reasons set out above, the proposal would conflict with DDLP Policy NE1 which requires proposals achieve net gains in biodiversity, secured by condition and/or legal agreement with the Council or a conservation covenant with a responsible body.

³ Appeal decision ref: APP/X2220/W/23/3336080

Character and appearance

21. The site is within the hamlet of Summerfield and fronts onto a narrow lane which has a sporadic row of dwellings on either side. The pattern of development within the hamlet is organic, with some dwellings sited relatively close together, and others separated by small fields or paddocks.
22. In a previous appeal decision⁴, the Inspector identified that neighbouring dwellings are modestly sized and set comfortably in their plots with plenty of space around them, concluding that the resultant spaciousness between the houses is a strong and positive characteristic of the locality.
23. The site lies between two existing dwellings and in its undeveloped form would have the appearance of a small field or paddock. The site therefore contributes positively to the area's spacious, rural character.
24. There are trees and hedges along the lane and at plot boundaries, providing a green, verdant character, creating enclosure, and generally limiting long distance views. The access at the site's northwest corner provides a break in the hedgerow which permits views into the site. However, the site is generally well-screened by its established, dense, hedgerow boundaries which assimilate the site into its landscape setting and generally screen the site from view in the street scene. Therefore, whilst the site offers beneficial spaciousness, the site is not visually prominent, diminishing its importance as a visual gap.
25. The proposed development would comprise a two storey, five-bedroom dwelling. The proposed dwelling would be constructed of traditional materials, including brick, tile, and timber. The design of the house has been informed by the neighbouring houses and newly constructed dwellings nearby, and by the advice of a Council officer. The Council confirms it has no objection to the design and appearance of the proposed dwelling. Therefore, the appearance of the dwelling would be sympathetic to development in the area.
26. The site is a rectangular plot of comparable size to surrounding dwelling plots. The proposed dwelling would be situated toward the front of the site, set back behind a driveway. The siting would reflect the building line of dwellings to the north and south and would appear as an infill development.
27. The proposed dwelling would have an L-shaped layout, thereby minimising the width of the front elevation and perceived scale of the dwelling from the street.
28. The proposed dwelling would be set in from the site's side boundaries, with garden areas on either side, which would be laid to lawn and would include new native hedging and shrubs. The garden areas would retain space between the proposed dwelling and neighbouring dwellings. The dwelling would not appear intrusive but would sit comfortably within the spacious plot.
29. The hedgerows at the site's perimeter would be retained and enhanced with additional planting. The rear half of the site would be planted with trees and vegetation to provide habitat for turtle doves. This would provide a green, vegetated backdrop to the site. Therefore, the hedgerow boundaries and garden areas would retain a green, verdant character to the site.

⁴ Appeal decision ref: APP/X2220/W/23/3336080

30. The existing vehicular access would be utilised to provide a sweeping driveway. The dwelling would be set in from the access and would be behind the existing tall roadside hedge. Therefore, the proposed dwelling would be broadly screened from the street by the front hedgerow. Views of the dwelling would mainly be experienced through the vehicular access at the corner of the site, where the dwelling would be viewed at an angle and set back into the site. Therefore, the proposed dwelling would not be visually prominent in the street scene.
31. The previous appeal decision related to a proposal for two four-bedroom houses, sited side-by-side and joined by their carports, and with a minimal gap between the buildings at first floor level. The scheme would have extended close to the side boundaries so as to almost stretch across the entire width of the site. The Inspector concluded the scheme would contrast starkly with the more spacious settings of the neighbouring houses. The previous scheme was significantly greater in scale than the current appeal proposal and would have had a materially different impact on the spacious character of the site.
32. As set out above, the proposal would introduce a substantial new dwelling in a countryside location. However, the surrounding area is characterised by existing dwellings, and the form, siting, and design of the proposed dwelling would reflect the character of surrounding development. The proposed development would infill a gap between existing dwelling plots, but would be of low density, set within garden areas with hedgerow boundaries. The proposed development would therefore maintain adequate separation between dwellings and would be of low visual prominence in the street scene. The proposal would therefore maintain the area's spacious, rural character.
33. For these reasons, the proposal would not harm the character and appearance of the area.
34. The proposal would therefore comply with DDLP Policy PM1 which requires proposals demonstrate an understanding and awareness of the context of the area, including architectural character, and appreciate existing built form and respond positively to it. In addition, the proposal would comply with DDLP Policies SP4 and NE2 which together require proposals for windfall development conserve and enhance landscape character, not result in harmful intrusion into the open countryside or loss of important green spaces, and have regard to landscape characteristics, including the pattern and distribution of settlements and setting, scale, layout, design and detailing of vernacular buildings.

Other Matters

Thanet Coast and Sandwich Bay Special Protection Area

35. Natural England advise that the Thanet Coast and Sandwich Bay Special Protection Area (SPA) is vulnerable to recreational disturbance from increases in local population associated with housing development. DDLP Policy NE3 requires all new developments within 9km of the SPA, including at the appeal site, contribute towards mitigation in accordance with the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy. The appellant has expressed intention to mitigate the effects of the development on the SPA through a financial contribution specified in a planning obligation, set out in the draft unilateral undertaking submitted during the appeal.

36. Where a proposal is likely to have significant effects on European sites, Regulation 63 of the Habitats Regulations requires the competent authority carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal on the basis of other identified harms, AA is not required. Therefore, it is not necessary to consider further the effects of the development and proposed mitigation on the SPA nor seek a completed planning obligation.

Heritage assets

37. Summerfield Farm, Sparrow Hatch and Summerfield House are Grade II listed buildings located to the north and west of the site.
38. Summerfield Farm is a 15th-century timber-framed, single storey house with attic on a flint base. It has a painted brick infill underbuilt with red brick, a plain tiled roof, and an end jetty. The roof is hipped with gables, includes two hipped dormers, and a central stack cluster. The front elevation has two wooden casement windows, a central six-panel door with a raking hood, and a four-light mullioned window above. Its 18th-century well housing and gear is also listed.
39. Sparrow Hatch is a timber-framed, single-storey house with an attic, set on a plinth, and dates from the 17th-century or earlier. It has exposed timber with plaster infill on painted brick, a hipped thatched roof, and an extension with a pantile roof, and prominent chimney stacks to the left and clustered to the right.
40. Summerfield House is an early 18th-century house, with a single storey and attic. It is constructed in red brick with a plain tiled, half-hipped roof, and central chimney stack. The front elevation includes two wooden casement windows with segmental arches and a central boarded door beneath a raking hood.
41. The significance of the listed buildings is derived from their historic interest and architectural features. As set out above, the design of the proposed development would be in keeping with surrounding development, and the proposed dwelling would be of low visual prominence and would maintain the spacious character of the area. The site has established boundaries, which provide distinct separation from surrounding listed buildings, therefore I am satisfied the proposed development would preserve the listed buildings, their settings, and features of special interest.

Other development in area

42. Within the hamlet, there has been recent housing development. However, whilst I have been provided limited information, there are notable differences between the appeal proposal and the development at the former Summerfield Nurseries site which secured mitigation for turtle doves. As set out above, I have determined the appeal proposal in accordance with the policies of the development plan.

Equality considerations

43. As discussed above, the appeal site is currently occupied as an unauthorised traveller site. This use has been the subject of enforcement action, and in 2022, an Enforcement Appeal regarding the change of use of the land was dismissed.
44. Article 1 of the First Protocol sets out that a person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions

except in the public interest. Article 8 of the Human Rights Act states that everyone has the right to respect for their private and family life and home. The appellant has occupied the land for more than five years which forms his family's principal home.

45. No party has put forward any argument that dismissal of the appeal would interfere with the human rights of the appellant and his family, or impact persons with protected characteristics. I have limited evidence before me regarding the effects of my decision in this regard. However, the appellant indicates that if he were to cease residential use of the land, he would seek to use the land in conjunction with its lawful use, such as hobby farming or temporary uses including camping.
46. Even if I were to conclude that dismissing the appeal would represent an interference with the appellant's home and family life, the human rights interference associated with this conclusion is in accordance with the law and is necessary in a democratic society to direct development to suitable locations, and to conserve protected species, which are legitimate objectives.
47. The relevant planning policy objectives could not be achieved by means less imposing or intrusive, and the minimum action necessary to achieve those important ends, would not have an excessive or disproportionate effect on the interests of the persons affected. The public interest cannot be served by means that cause less interference with the appellant's rights. Therefore, dismissing the appeal is a proportionate response in all the circumstances and a violation of rights under Article 1 and Article 8 would not occur.
48. In accordance with the public sector equality duty, due regard has been paid to minimising the disadvantages suffered by the intended occupiers of the site and to meeting their needs in so far as they are different to those without a relevant protected characteristic. Whilst ultimately the appeal is to be dismissed, these considerations have been at the forefront of the decision-making process. Because of the significant objections identified, the outcome is proportionate.

Conclusion

49. Whilst I have found the proposal would not harm the character and appearance of the area, the proposed development would not be in a suitable location and there is insufficient certainty that harm to protected turtle dove species would not arise.
50. Consequently, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR