



Appeal Decision

Site visit made on 5 November 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/X2220/W/25/3370742

The Meadow, Guston Road, East Langdon, Dover CT15 5JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs L King against the decision of Dover District Council.
 - The application Ref is 25/00190.
 - The development proposed is 'Erection of 3 No. self-build dwellings and associated works (permission in principle)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for Permission in Principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The Permission in Principle consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') assesses the detailed development proposals. This appeal relates to the first stage.
3. The scope of the considerations for Permission in Principle is limited to location, land use and the amount of development proposed. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if Permission in Principle is granted. I have determined the appeal accordingly.

Preliminary Matter

4. The appellant has referred to an emerging policy document, the Langdon Neighbourhood Development Plan 2023-2040 Submission Version (2025) (LNDP). The Council has advised that this document has been independently examined. Modifications are recommended to a number of policies and the text to ensure the Plan meets the legal requirements. Once modified, the Plan is recommended to proceed to a local referendum. At this time, the LNDP is not part of the statutory development plan, although it forms a material consideration of limited weight.

Main Issue

5. The main issue is whether the site is suitable for residential development in terms of accessibility to local services and facilities, having regard to its location, the land use and the amount of development proposed.

Reasons

6. The appeal site is a broadly rectangular area of open land adjoining Guston Road. There are some chalet bungalows on adjoining land, with a cluster of traditional houses further to the north of Guston Road. At my site visit I observed that neighbouring land adjoining Guston Road is otherwise generally open and undeveloped and that remains the case for a considerable distance from the site.
7. Policy SP4 of the Dover District Local Plan to 2040 (2024) (Local Plan) seeks to direct windfall residential development to accessible and sustainable locations which are not otherwise identified in the Local Plan. Such development, at a commensurate scale, would be supported within or adjoining the defined boundaries of settlements, such as East Langdon. Outside of settlement boundaries, windfall development is only permitted in defined exceptional circumstances. Such exceptions include there being an essential need for a rural worker, the re-use of redundant or disused buildings and designs of exceptional quality. There is no evidence before me that any of those exceptions are met.
8. I acknowledge that some adjoining sites are in residential use, and further dwellings exist along Guston Lane. From that perspective, the site could not reasonably be described as isolated. Nevertheless, there is no substantive evidence before me that indicates that these established dwellings are positioned within, or near, any defined settlement boundary. It follows that development at the appeal site would not appear well-related physically and visually to the built form of an existing settlement.
9. Reference has been made to the Langdon Design Guidance and Codes (2024) (LDGC) document and to the emerging LNDP. Those documents identify the site as lying within the Character Area of 'East Langdon', rather than the 'Countryside'. The LDGC states that its purpose is to provide design guidance and codes to help influence future development. In contrast, the supporting text to Policy SP4 states that its approach to distributing windfall development was informed by a review of the District's settlement boundaries carried out for plan-making purposes. These settlement boundaries clearly relate to the spatial approach to housing development, which is reinforced by the provisions of emerging Policy L1 of the LNDP.
10. Despite its location, the appellant contends that a range of services and facilities are accessible by modes of transport other than private cars. Evidence has been provided regarding desirable walking distance proximities to key facilities¹. Whilst I accept the use of such guidance as a general principle, it is unclear whether that data is applicable to rural and countryside locations, such as the appeal site.
11. Occupiers would need to cover some distance to walk to the relatively limited local facilities and services at Guston, East Langdon or Martin Mill. Whilst they may be largely flat, routes generally rely on unmade footpaths and highways which do not have dedicated footways or verges for the most part. Although street lighting exists at key locations such as junctions and bus stops, this would not provide the same sense of safety as consistent lighting along footpaths. Consequently, using those routes after dark and in inclement weather would be unattractive. These factors are likely to discourage walking to meet many of the day-to-day needs of

¹ Institution of Highways and Transportation's document 'Providing for Journeys on Foot' (2000) and the Department for Transport guidance 'Manual for Streets' (2007)

occupiers. Access to the closest train station at Martin Mill, and the bus stop within East Langdon at The Street, would similarly rely on those unsatisfactory routes.

12. I recognise that sustainable transport solutions will vary between urban and rural locations. Bus travel would be one option available to intended future occupiers. However, local services are relatively infrequent and do not run late into the evening, or at all on Sundays and bank holidays. As a result, I am not satisfied this would represent a more attractive option than using private cars.
13. There is a local on-road cycle route and cycling to a range of facilities and transport connections would be possible. However, many of the factors I have identified as likely to deter walking trips would apply to cycling. Occupiers may be able to arrange deliveries for larger food shops. Nonetheless, reliance on walking and cycling to meet day-to-day needs would be unattractive given the unsuitable routes.
14. It is argued that such walking and highway conditions are typical of rural areas. I also accept that the emerging LNDP has a vision to improve such routes in the long-term and that the Council's reason for refusal does not refer to highway safety. Be that as it may, the proposal would not accord with the provisions of paragraph 115 of the National Planning Policy Framework (the Framework). These seek to ensure that development achieves safe and suitable access to sites for all users. As such, those factors would not justify the appeal development. Accordingly, occupiers are likely to be reliant on the use of private vehicles to meet day-to-day needs given the lack of satisfactory walking routes and public transport within reasonable distance of the site.
15. As regards land use, the proposal would adjoin existing residential uses with which it would be compatible. There is no suggestion that it would conflict with other adjoining uses. Therefore, I have no reason to conclude that the land use would be unacceptable in principle.
16. As regards amount of development, I note the proposed site layout plan provided. This is indicative only and shows just one possible way that the scheme could be developed. I have considered the appeal on this basis. The Council considered that the 3 dwellings proposed would not amount to over-intensification. On the evidence before me, I see no reason to disagree with its conclusions as to the amount of development.
17. Notwithstanding that the land use and amount of development would be acceptable, I conclude that the appeal site is not suitable for residential development in terms of accessibility to local services and facilities, having regard to its location. The proposal would conflict with the relevant provisions of Policy SP4 of the Local Plan, which in summary seeks to direct windfall residential development to accessible and sustainable locations. I attach significant weight to that conflict. This is in a similar vein to the provisions of emerging Policy LP1 of the LNDP.

Other Considerations

18. The proposed 3 dwellings are intended as 'self-build' housing plots. I recognise the importance the Framework places on meeting the needs of those who wish to commission or build their own homes, and on small sites. Self-build and Custom Housebuilding (SBCH) development is also supported by Policy H5 of the Local

Plan on unallocated sites and where proposals comply with other policies in the plan.

19. The Self Build and Custom Housebuilding Act 2015 requires local authorities to have regard to their self-build and custom housebuilding register and grant enough suitable development permissions to meet the identified demand. According to the Council's Annual Monitoring Report, 3 self-build plots were granted in the 2023/4 period, with 38 further plots granted prior to this. From that perspective, the Council argues that sufficient plots have been granted to meet the demand on its statutory register.
20. There is some disparity between the demand set out in the statutory register and the appellant's submitted Demand Appraisal, which indicates significantly higher demand. The PPG supports the use of secondary sources to supplement the understanding of demand that local registers provide. Nevertheless, it is unclear how that data was captured, what level of information was obtained by individuals and how often it is updated. Based on the evidence before me, it has not been convincingly demonstrated that the Council is failing to meet the demand for SBCH.
21. Nevertheless, I am mindful of the appellant's evidence which indicates the national scale of demand for SBCH. Moreover, whatever the precise position in respect of self-build in the district, that provision is not capped. The provision of three additional self-build dwellings would make a positive contribution to that supply, albeit relatively modest. I afford this moderate weight in favour of the proposal.
22. I have been referred to four appeal decisions concerning self-build developments in other local planning authority areas. Those were all considered under different development plan policies and found to be acceptable following a planning balance. In contrast to the appeal site, these cases relate to sites which fell either within, adjacent to, or were found to be effectively well-related to existing settlement boundaries². Like the appeal site, the case in Bedford³ related to a site within open countryside. However, in that case the Council was unable to demonstrate a 5-year housing land supply. The presumption in favour of sustainable development was engaged, which is not the case here. In all of those cases, and unlike the appeal before me, there was identified to be a significant shortfall in SBCH permissions. For those reasons, the circumstances are not directly comparable to the appeal before me.

Other Matters

23. It has been put to me that the appeal proposal represents an effective use of land. It is also said that the design would be well-screened from surrounding views, protect the residential amenity of neighbours and that its access would ensure good visibility for road-users. The use of appropriate native planting is also intended. Those matters fall outside of the scope of my consideration of the appeal for this first stage of the Permission in Principle consent route, although they would be matters to be addressed as part of a TDC application. As such, these factors have not been determinative in my assessment of this appeal.

² Appeal References: APP/J3720/W/23/3336035; APP/R1845/W/24/3352115; APP/G2435/W/25/3360649; and APP/F0114/W/22/3313796

³ APP/K0235/W/25/3360479.

24. The appellant intends to voluntarily achieve biodiversity net gain as part of the appeal scheme. Whilst I accept that this could form a modest benefit, this would not outweigh the harm that I have identified above.
25. The appellant contends that there would be an acceptable relationship with neighbouring sites in terms of landscape impact. The development would also not be in any zones of designated nature protection or high flood risk. There is no dispute with the Council on those matters. Nonetheless, the lack of harm in those respects would effectively be neutral and not lead me to an alternative conclusion on the main issue.
26. I recognise that new housing development would result in short-term economic benefits through the construction period and ongoing benefits of occupiers supporting the local community, its facilities and services and adding vitality to local settlements. The development would also contribute towards the Council's housing land supply, irrespective of the Council's current housing land supply position. However, given the small scale of the proposal, those benefits would be modest and would not outweigh the harm I have identified on the main issue.
27. My attention was also drawn to an appeal decision in Somerset⁴. This case refers to the development of a site in close proximity to Radstock town centre, within easy walking distance of services including educational facilities, along pavements. Ultimately, that appeal scheme is not directly comparable with the scheme before me. I have considered this appeal, including its relationship with nearby services and facilities, on its own individual circumstances.

Planning Balance and Conclusion

28. In favour of the appeal, the proposal would provide 3 dwellings, which are proposed as self-build. This would make a contribution to the supply of housing in the area. Economic benefits would also flow from the construction of the dwellings, as well as from future occupiers supporting local services and facilities. These matters carry moderate weight in favour of the appeal.
29. Weighing against, I have found that the site would be unsuitable for residential development, having regard to its location, in conflict with Local Plan policy SP4. This harm is afforded substantial weight.
30. Consequently, whilst there are considerations that weigh in favour of the proposal, they are not sufficient to outweigh the harm I have found. The proposal conflicts with the development plan when taken 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.

S F Barnes

INSPECTOR

⁴ APP/F0114/W/22/3313796