



Appeal Decision

Site visit made on 6 January 2026

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/J2210/W/25/3373711

Land to the east of Dargate Road, Dargate Road, Fox's Cross Hill, Yorkletts CT5 3AH

- 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 Richard Bell (Willowchurch Limited) against the decision of Canterbury City Council.
 - The application Ref is CA/24/01813.
 - The development proposed is the erection of one detached dwellinghouse and a semi-detached pair of dwellinghouses, along with associated gardens, access, parking spaces and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Procedural Matters

3. A Unilateral Undertaking has been submitted with the appeal, dated 25 September 2025 (the UU). This relates to mitigation for effects on the nearby habitat sites. This document has been taken into account in the determination of the appeal.

Main Issues

4. The main issues are:
 - whether the location of the proposed development would be suitable for new housing, having regard to the Council's spatial strategy and accessibility to services and facilities; and
 - the effect of the development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thames, Medway & Swale SPA.

Reasons

Location of development

5. The appeal site is located in Yorkletts which is a small and mostly linear cluster of development along Dargate Road situated to the south-west of Whitstable and adjacent to Thanet Way (A299). It lies outside of a defined settlement boundary. Policy SP4 of the Canterbury District Local Plan 2017 (the CLP) directs new housing to main urban areas, rural service centres and local centres. Yorkletts is not among the settlements specifically listed in Policy SP4 and given the proposal would not be required for agricultural or forestry purposes, it would not adhere to the Council's spatial strategy as outlined in this policy.
6. The scheme would also not fall within one of the 'exception' criteria listed in Policy HD4 of the CLP which restricts new dwellings in the countryside to specific circumstances. Policy HD4 is intended, in part, to give effect to national policy objectives which seek to avoid new isolated homes in the countryside. In this case, the site's location is not wholly isolated given Yorkletts is in relative geographic proximity to the larger urban area of Seasalter and Whitstable. The site also sits amongst established residential development along Dargate Road, with neighbouring properties to the east, west and south. It is essentially enclosed by built form and does not lie within what could be described as open countryside.
7. Whilst the appeal site is not physically isolated in the sense of being detached from all built form, it is nonetheless located outside any defined settlement boundary and would represent new residential development in a location where the development plan seeks to constrain new housing. The proposal would therefore conflict with the clear policy intention to restrict new dwellings in countryside locations.
8. The appellant places weight on the proximity of the site to Whitstable and Seasalter and contends that the site forms part of a settlement cluster rather than open countryside. However, the separation created by the Thanet Way, together with the character of Dargate Road as a secondary rural road, means that Yorkletts functions as a distinct, loosely connected cluster rather than as a coherent extension of the Whitstable urban area.
9. Yorkletts contains only a very limited range of services and facilities. It does not provide the breadth of day-to-day facilities necessary to meet most routine needs, including healthcare, education, larger food retail, and a wide range of employment opportunities. Future occupiers would therefore be required to travel beyond Yorkletts for the majority of everyday needs. This significantly weighs against the sustainability credentials of the site and reinforces the conflict with the Council's spatial strategy.
10. The appellant highlights the presence of a bus route serving Yorkletts and the availability of limited facilities and employment opportunities in the vicinity of the petrol station at the Thanet Way junction. Whilst these factors provide some limited sustainability credentials, the bus service is relatively infrequent and does not in itself provide convenient access to the full range of essential services. The facilities around the petrol station are limited in nature and would not meet most day-to-day needs.

11. The practical accessibility of services by modes other than the private car is particularly limited. Dargate Road is narrow and lacks a continuous footway, and street lighting is sporadic. The pedestrian environment is therefore poor and unattractive, particularly for vulnerable users, during hours of darkness or in inclement weather. These conditions materially constrain the ability of future occupiers to reasonably access services on foot. Although Whitstable is geographically close, the presence of Thanet Way and the nature of the surrounding road network would further discourage regular walking or cycling trips for everyday needs. In these circumstances, future residents would be heavily reliant on the private car for most journeys.
12. The appellant refers to previous appeal decisions in Yorkletts where Inspectors have found that the location is not “entirely unsustainable”, citing the presence of some services and public transport¹. However, other Inspectors have concluded that the limited range of facilities, the poor quality of the pedestrian environment and the strong reliance on private car travel mean that sites in Yorkletts perform poorly in sustainability terms². I consider that the circumstances of the appeal site align more closely with the latter conclusions. The limited accessibility by non-car modes and the lack of meaningful local services weigh heavily against the site as a suitable location for new housing.
13. Drawing these matters together, whilst the site is not wholly isolated and benefits from some limited sustainability attributes, these are significantly outweighed by the poor accessibility to services and facilities by non-car modes, the functional separation from Whitstable, and the limited provision of local services within Yorkletts itself. The location performs weakly against the objective of locating new homes in the most sustainable locations.
14. Although I do not consider that the proposal would amount to an encroachment into open countryside given the site’s physical containment by surrounding development, the appeal site currently comprises an open and verdant parcel of previously wooded land that makes a positive contribution to the sylvan and semi-rural character of this part of Yorkletts. The introduction of three dwellings, associated access, parking and domestic curtilage would fundamentally alter the character of this undeveloped parcel from one of soft, unmanaged enclosure to a suburban built form and domestic activity. This would introduce a more overtly urbanised presence within the settlement edge, diminishing the verdant, rural qualities that currently characterise this part of Dargate Road. In doing so, the proposal would erode the transitional, semi-rural character of the area and contribute to a harmful urbanising effect.
15. The reasoned justification to Policy HD4 at paragraph 2.58 indicates that development within villages can be appropriate in principle where it is proportionate to the size and character of the village. However, the quantum of development proposed in this location and the loss of this undeveloped green space would erode the semi-rural character of the village.
16. In light of the above, the location of the proposed development would not be suitable for new housing, having regard to the Council’s spatial strategy and accessibility to services and facilities. The proposal would therefore conflict with Policy SP1 which seeks to deliver sustainable development, and Policies SP4 and

¹ Appeal Ref: APP/J2210/W/23/3323592

² Appeal Ref: APP/J2210/W/22/3312567

HD4 of the CLP which set out the strategic spatial strategy for new housing and seek to ensure new dwellings in the countryside are appropriately located. It would also conflict with Policy DBE3 of the CLP insofar as it seeks to ensure proposals protect and enhance the character, setting and context of the site.

Habitat sites

17. The proposal could impact the Thames, Medway and Swale SPA and the Thanet Coast and Sandwich Bay SPA which are European designated sites. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the protected sites.
18. The Thames, Medway and Swale SPA is designated for its importance to bird species and bird migration. Similarly, the Thanet Coast and Sandwich Bay SPA is designated for its bird interest, in particular over-wintering Turnstone, European Golden Plover and Little Tern. Both SPAs are also listed as wetlands of international importance under the Ramsar Convention, and their conservation objectives include the need to ensure that the integrity of the sites are maintained or restored as appropriate. In the case of both SPAs, evidence suggests that significant effects on bird populations are arising from recreational disturbance associated with new housing, particularly from human activity and dog walking. These effects arise particularly from development in areas surrounding the SPAs.
19. New residential development at the appeal site has the potential to cause disturbance to the protected sites through increased recreational activities and pressure, as a result it has the potential to individually contribute to a likely significant effect on the SPAs when taken in-combination with other plans and projects. Adopting the necessary precautionary approach, it could compromise the conservation objectives and lead to an adverse effect on the integrity of the sites. Therefore, the development must provide appropriate mitigation.
20. The Council have produced a Strategic Access, Management and Monitoring Plan (SAMM) for the Thanet Coast and Sandwich Bay SPA and Ramsar site which will be applied to development within its zone of influence. This includes mitigation measures such as monitoring and surveying, wardening, signage and education. These would be funded by contributions arising from new development. Similarly, a SAMM exists for the Thames, Medway and Swale SPA and Ramsar site, which includes similar measures and relies on contributions from new development.
21. Natural England were consulted with regards to the proposal. They have stated they are content the measures set out in both SAMMs are ecologically sound. As such I have no reason to believe that contributions to the SAMMs would not deliver appropriate mitigation for the effects of the proposed development.
22. The submitted UU would ensure that financial contributions were paid prior to commencement of development, in accordance with the tariffs set out in the relevant SAMMs. It would also secure monitoring and legal fees which arise from the need for the obligation. Natural England have stated that the UU would adequately secure the deliverability of mitigation measures to prevent the harmful effects of recreational disturbance from occurring as a result of the development. I am satisfied that with the mitigation measures secured and in place, the proposal would avoid an adverse effect on the integrity of the European protected sites.

23. Given this, I conclude that the proposal would not harm the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thames, Medway & Swale SPA. The proposal would therefore comply with the Habitat Regulations and Policies SP1, SP6 and LB5 of the CLP and the Framework insofar as they relate to the effects of development on these designated habitat sites.

Other Matters

24. In respect of design and layout, it is argued that the proposed dwellings would reflect the scale and form of surrounding development and would integrate well within the street scene. Whilst I accept that the proposed designs would be appropriate overall and the proposed materials would be sympathetic, the proposal would nevertheless result in an erosion of the semi-rural character of this part of Yorkletts. The proposal would extend the existing line of built form along Dargate Road into an open space which reads as part of the transition into the countryside beyond.
25. Even with the orchard area proposed within the site, the three dwellings proposed within this verdant and unmanaged parcel of land would be read as incongruous additions.
26. The appellant also contends that the proposal would not give rise to highway safety concerns and that suitable access and parking provision could be achieved. The Council did not pursue highway safety as a reason for refusal, and there is no substantive evidence before me to demonstrate that the proposal would result in unacceptable harm to highway safety.
27. With regard to ecology, the appellant points to the submitted ecological evidence, proposed biodiversity enhancements and the intended delivery of biodiversity net gain. I have taken these matters into account. However, the acceptability of the proposal in ecological terms, and the ability to mitigate ecological impacts, does not address the fundamental concerns regarding the location of the development and its sustainability.

Planning Balance

28. Although I have not been provided with all relevant figures, the Council accept that it has failed to deliver under the housing delivery test and that the provisions of paragraph 11d) of the Framework are relevant to the appeal. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. It is therefore necessary to establish whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
29. The Framework aims to significantly boost the supply of housing. In this regard, the proposal would deliver three dwellings, which would make a modest contribution to housing supply. Small sites can play a role in contributing to housing delivery, particularly in areas where larger allocations may take time to come forward. However, the scale of the contribution in this case is limited and attracts only moderate weight. Paragraph 73 of the Framework's encouragement of small and medium-sized sites does not displace the plan-led approach to directing development to the most sustainable locations, nor does it amount to an

endorsement of residential development in locations that perform poorly in sustainability terms.

30. The appellant also relies on Paragraph 83 of the Framework which seeks to locate housing where it will enhance or maintain the vitality of rural communities. However, it also states that this is especially the case where development would support local services. Given there are very few accessible shops and services within Yorkletts, the proposed development would not play a decisive role in maintaining and supporting vitality. This limits the weight I have attached to this consideration.
31. The Framework directs housing to locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes (Paragraph 110) and requires particular regard to be had to directing development to sustainable locations even where the tilted balance applies. It also seeks to minimise the number and length of journeys to employment, shops and services (Paragraph 111). In this case, the limited range of services in Yorkletts, the poor pedestrian environment and the likelihood of reliance on the private car mean the proposal performs weakly against these objectives.
32. What's more, the Framework recognises the intrinsic character and beauty of the countryside (Paragraph 187). It requires development to be sympathetic to local character and landscape setting and to reflect the identity of its surroundings (Paragraph 135). In this case, the appeal site comprises a verdant, undeveloped parcel of land which contributes to the sylvan and semi-rural character of this part of Yorkletts. The introduction of three dwellings, associated access and domestic paraphernalia would erode these qualities and introduce a more urbanised form of development. This would diminish the rural character of the area and would be contrary to the Framework's objectives for protecting the character and beauty of the countryside.
33. I have had regard to other decisions that allowed new housing in Yorkletts. Some of these decisions leaned more heavily on the aims of Paragraph 83 in enhancing or maintaining the vitality of rural communities, but also on the delivery of self-build homes³. This differs from the proposed scheme which does not propose any self-build dwellings. Other decisions turned on the site-specific characteristics of the proposals and their own overall balance of matters and considerations. I do not find that they are entirely comparable to the proposed scheme which I have considered on its own merits.
34. Additional benefits have been cited by the appellant, including short-term contributions to the local economy through increased investment in local trades and suppliers during the construction phase, and limited support for local services and facilities by future occupants. These considerations are positive features, but the small scale of the development limits the weight they can be afforded.
35. The appellant also refers to ecological mitigation and enhancement measures, including biodiversity net gain. Whilst these measures would be necessary and are capable of being secured, they would primarily serve to mitigate the impacts of the development rather than provide substantive public benefits. This consideration attracts limited weight.

³ Appeal Ref: APP/J2210/W/18/3204617

36. The provision of adequate space standards and decent living conditions for future occupants is an expectation of new residential development and therefore neither weighs for or against the scheme in the overall balance. Similarly, a lack of harm with regards to highways and other matters is a neutral consideration.
37. Against these benefits is the significant harm that would result from introducing the proposed development in an unsustainable location, the conflict with the Council's spatial strategy and the harm to the rural character and appearance of the area. Policies SP1, SP4, HD4 and DBE3 of the CLP are broadly consistent with the Framework's aim to ensure new development is sustainably located and sympathetic to local character. Accordingly, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. As a consequence, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

38. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
39. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR