
Appeal Decision

Site visit made on 10 February 2026

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2026

Appeal Ref: APP/J2210/W/25/3376326

Land at Willow Road, Whitstable CT5 3DW

- 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 M Sadri against the decision of Canterbury City Council.
 - The application Ref is CA/24/02094.
 - The development proposed is the erection of 1 no. dwelling with access from Royal Avenue, and associated landscaping and infrastructure.
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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.
3. The appellant has submitted an updated arboricultural report, plans and a Preliminary Ecological Appraisal (PEA). What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. Although I note the Council has not specifically commented on the additional information, I am satisfied that the additional reports and drawings do not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents.
4. The appeal is also accompanied by a Unilateral Undertaking (UU) dated 23 September 2025 to secure mitigation in respect of the effect of the appeal proposal on the integrity of the European designated sites. I have had regard to the obligation in my consideration of the appeal.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the proposed dwelling having regard to the Council's strategy for the location of development;

- the effect of the proposed dwelling on the character and appearance of the area, including the protected woodland;
- the effect of the appeal proposal on ecology including ancient woodland; and,
- the effect of the appeal proposal on the integrity of the European protected sites.

Reasons

Location

6. Policy SP4 of the Canterbury District Local Plan adopted 2017 (Local Plan) sets out the Council's strategic approach to the location of development. It identifies that the urban areas of Canterbury, Herne Bay and Whitstable will continue to be the principal focus for development together with development at the rural service centre and local centres. The appeal site is outside of any identified settlement, and as such is within the countryside for the purposes of planning policy.
7. With specific regard to housing, Local Plan Policy HD4 sets out that new dwellings within the countryside will only be granted in a limited range of circumstances. The appeal proposal would not meet these limited criteria and it therefore conflicts with the strategy for the location of new housing.
8. Whilst Willow Road itself is largely unmade and unlit, it would be a reasonably short walk to Clapham Hill which is a well-lit road with a footway and bus stops. From Clapham Hill it would be a level walk along the footway to various services and facilities on the edge of Whitstable, including supermarkets, a medical centre and other shops. These facilities would also be accessible by cycle, although I recognise that neither walking nor cycling would be appropriate or appealing to all given the unmade nature of Willow Road. Bus stops are located on Clapham Hill close to its junction with Willow Road, offering regular services to Whitstable and Canterbury.
9. Despite its location outside the settlement boundary, the appeal scheme would be located in a reasonably sustainable location in terms of its access to services and facilities by means other than private car. Nevertheless, the location of the appeal scheme would conflict with the Council's strategy for the location of development as set out in Policies SP1, SP4 and HD4 insofar as these policies seek to locate development within settlement boundaries, support the creation of new dwellings within the countryside in very limited circumstances and reflect the Framework's presumption in favour of sustainable development.

Character and Appearance

10. Willow Road is a narrow, and for the most part, unmade road which runs through a largely wooded area. There is sporadic residential development to either side of the road. The pattern of development is informal, and the dwellings vary in style, appearance and age. They are generally set back from the street, in large plots, frequently incorporating woodland in and around their gardens. The character is rural, with the impression of the houses being surrounded by dense woodland.
11. The proximity of the appeal site to the settlement confines of Whitstable and the main road of Thanet Way, along with the presence of other dwellings along Willow

Road does not alter my assessment that appeal site's immediate surroundings are rural in character.

12. The appeal site comprises part of a wooded area located on the corner of Willow Road and Royal Avenue. The woodland is protected by a group Tree Preservation Order (TPO). The woodland as a whole has a high amenity value in terms of its contribution to the wooded, rural setting of the surrounding area.
13. The proposed dwelling would be set on a corner of the site which has comparatively less tree cover, directly bordering Willow Road and Royal Avenue. Notwithstanding the lesser tree cover in this location, the appeal site visually reads as part of the surrounding wooded area. The introduction of a 2-storey house with a garage and roof terrace, within a site which contributes significantly to the wooded and rural character of the area would harmfully erode the contribution the appeal site makes to the surrounding character. The prominent corner location of the house would accentuate its bulk and mass, and it would appear as a suburban form of development at odds with its surroundings.
14. The limited opportunities for landscaping presented by the garden areas to the front and side of the dwelling would not be sufficient to mitigate the harm to the character and appearance of the area I have identified above.
15. The proposal has been designed to minimise any harmful effects on the adjacent woodland and appropriate technical solutions have been proposed in terms of construction over the root protection areas of any affected trees. The removal of the single Category C laurel would not be harmful given that it is a non-native species and, in itself, provides a limited contribution to the overall character and amenity value of the woodland.
16. I accept there would be leaf litter and associated maintenance as a result of the location of the house so close to the surrounding woodland. Whilst I note the Council's view that there would potentially be pressure for works to be undertaken to the trees close to the house, this would be a matter which could reasonably be controlled by the Council due to the protected status of the trees.
17. Notwithstanding my views on the technical solutions to construct the dwelling in proximity to the protected woodland, for the reasons set out above, there would be significant harm to the character and appearance of the area arising from the appeal proposal. This would conflict with Local Plan Policies SP1, DBE3 and LB10. Taken together and amongst other things, they seek to protect and enhance the distinctive character and diversity of the District; require proposals to have regard to the character, setting and context of the site and the way they are integrated into the landscape, as well as seeking to maintain and enhance the character of woodland and hedgerow networks, as well as reflecting the Framework's presumption in favour of sustainable development.
18. In its reason for refusal, the Council also refers to Policies SP4 and HD4. I do not consider these are directly relevant to the character of the area, since, taken together they set out the Council's strategic approach to development location, and describe the limited circumstances in which permission would be granted for new dwellings within the countryside.

Ecology, including effect upon ancient woodland

19. The updated PEA submitted with the appeal identifies some features of the site as providing suitable habitat and refuges for reptiles, as well as a variety of suitable habitats for nesting birds and foraging/commuting bats. The PEA did not identify any bat roosts within the site.
20. The appeal site is within an area that is deemed a suitable habitat for Great Crested Newts and their presence in the area has been confirmed through the appellant's PEA. Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
21. The PEA recommends that a District Level Licence (DLL) should be obtained and ensure the conservation payment as agreed with Natural England is completed prior to commencement of development. The appellant has submitted a countersigned Great Crested Newt District Level Licencing Impact Assessment and Conservation Payment Certificate with the appeal. The provision of evidence of the DLL and conservation payment would need to be secured by pre-commencement condition to ensure that the appropriate mitigation was in place. Subject to an appropriate condition regarding DLL and to secure the suggested mitigation in respect of bat boxes and suitable lighting, I am satisfied that the proposal would be acceptable.
22. The advice contained in the Framework at paragraph 193c is that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The evidence before me indicates that there is an area of ancient woodland to the south of the appeal site. The appellant clarifies that there would be no built development within 20 metres of the edge of the ancient woodland. There is no substantive evidence before me that the proposal would result in a loss or deterioration of the ancient woodland habitat.
23. In conclusion on this main issue therefore, I find that the appeal proposal would not result in the loss or deterioration of the ancient woodland and there would be suitable measures which could be secured by condition to preserve the ecology of the area. It would be in line with the aims of Local Plan Policies LB9, LB10 and HE13 insofar as they require development to avoid a net loss of biodiversity/nature conservation value, seek to preserve the historic landscape and not threaten the retention of the ancient woodland.

European Designated Sites

24. The appeal site falls within the Zone of Influence of the European designated sites of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site and the Thames, Medway and Swale SPA and Ramsar site. These sites are designated due to their international importance for their wetland plants and over-wintering bird populations which vary across the sites.
25. Local Plan Policy LB5 in its supporting text identifies that there have been marked declines of bird populations within the Thames, Medway and Swale SPA and Ramsar site. Natural England has also advised that the planned quantum of housing in Canterbury and Thanet is likely to result in a significant effect on the bird interest of the Thanet Coast and Sandwich Bay SPA and Ramsar site, notably

over-wintering Turnstones. Disturbance is one potential factor, and studies have shown recreational activities to cause disturbance impacts to birds.

26. There remains a probability or risk that the proposed development could have a likely significant effect on the Thanet Coast and Sandwich Bay SPA and Ramsar site and Thames, Medway and Swale SPA and Ramsar site, as the proposed development would be likely to exacerbate existing recreational pressures on these sites either alone or in combination with other plans or projects. I am therefore required to carry out an appropriate assessment pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). This responsibility falls to me as the competent authority in the context of this appeal.
27. I must therefore consider whether measures could be put in place to avoid or mitigate the impacts of increased recreation pressure arising from the proposed development. The Council have produced Strategic Access Management and Monitoring (SAMM) plans to address the in-combination recreational impacts on each of these coastal SPA/Ramsar sites. They comprise measures including ongoing survey and monitoring work, wardening of the sites along with signage and education, to be funded by new development sites in perpetuity. A tariff-based contribution scheme dependant on the number and size of residential units has been agreed in relation to each designated site.
28. The appellant has provided a UU to secure the relevant contributions of £670 towards the Thanet Coast and Sandwich Bay SPA SAMM and £331.41 towards the Thames, Medway and Swale SPA SAMM. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.
29. I am satisfied that with the funding for the proposed mitigation measures in place, the proposal would not have an adverse effect on the SPA and Ramsar sites identified. The proposal would therefore comply with the Habitats Regulations and would be in line with Local Plan Policies SP6 and LB5 which, taken together seek to ensure sustainable development and protect sites of local, national and international conservation importance.

Other Matters

30. In their statement of case, the appellant has referred me to extracts from other appeal decisions insofar as they relate to the location of development. These include an appeal decision on the appeal site (ref APP/J2210/W/16/3157419) where a housing proposal was considered appropriate in terms of its location. I note that this appeal was considered under a previous development plan and as such I do not consider it is directly comparable.
31. I have also been referred to a 2023 appeal decision for a site on Marlborough Road (APP/J2210/W/22/3306671), which was also judged to be an appropriate location for housing. In this respect, I note that the location is slightly closer to Whitstable than the appeal scheme and the extract of the appeal decision referred to by the appellant indicates the journey on foot would be on paved footways, which would not be the case with the appeal scheme.

32. Insofar as it relates to access and layout, the Council considers the scheme acceptable with respect to its effect on the living conditions of neighbouring residents, access, parking and highway safety and sustainability. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Other Considerations

33. Set against the harm identified, the proposal would deliver a net gain of one new family sized dwelling. It would support the Government's aim of significantly boosting the supply of homes, particularly on small and medium sites. However, the addition of a single dwelling would provide a limited contribution in this context and I attach limited weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and future residents' use of local shops and services, but given the single additional dwelling, those benefits would also be limited. I note the proposal would achieve the mandatory 10% Biodiversity Net Gain through on site enhancement and purchase of units, to which I attach moderate weight as a benefit. There would be some limited ecological enhancements including the provision of features including bat boxes.

Planning Balance

34. The appeal proposal would be harmful to the character and appearance of the area, and I have judged the magnitude of this harm as significant. The appeal scheme also conflicts with the Council's strategy for the location of development set out in Local Plan policies SP4 and HD4. Amongst other things, these policies focus new development within defined settlement boundaries, allowing new housing in the countryside in very limited circumstances.
35. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework requires development to be sympathetic to local character. The conflict between the proposal and Local Plan Policies DBE3 and LB10 should be given significant weight. The Framework also aims to achieve sustainable travel and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It does not contain any policies which specifically prohibit development outside towns and villages, and I consider that insofar as they relate to the location of development, Policies SP4 and HD4 take a more prohibitive approach than that contained in the Framework. As such, the conflict between the proposal and these policies should be given limited weight.
36. The Council acknowledge that they cannot demonstrate a 5-year supply of deliverable housing sites, and have also failed the Housing Delivery Test. The reported housing land supply is equivalent to 4.16 years. In these circumstances, paragraph 11d)ii of the Framework is applicable.
37. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing

development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

38. Taken together, the harm I have identified to the character and appearance of the area, and to a more limited degree, the conflict with the strategy for the location of development, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

Conclusion

39. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR