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## Appeal Decision

Site visit made on 11 February 2026

**by Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 6<sup>th</sup> May 2026**

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**Appeal Ref: APP/X2220/W/25/3375716**

**Land at 4 Mill Lane, Shepherdswell, Kent CT15 7LJ**

**(Easting: 626246 – Northing: 147819)**

- 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 Paul Dougherty (Eythorne Building Contractors Ltd) against the decision of Dover District Council.
  - The application Ref is 25/00809.
  - The development proposed is to construct one small traditionally styled masonry cottage with off road parking.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As the appeal site is within a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, with particular regard to the Shepherdswell Conservation Area (SCA); (b) the living condition of occupants of the proposed dwelling and nearby dwellings; and (c) parking provision.

### Reasons

#### *Character and Appearance*

#### Special Interest and Significance

4. The SCA is centred on St Andrews Church and The Green, which are likely to have formed part of the historic core of the village. From the limited information provided and pertinent to the appeal, the character and appearance and thus special interest and significance of the SCA, derives in part from the architectural and historic interest and value of the buildings, their relationship to one another and the attractive street scenes which are created. The rural setting also contributes positively to the character and appearance of the SCA as a whole, and thereby to its significance as a designated heritage asset.

### Proposal and Effects

5. The proposed dwelling would be one and half storeys in height and positioned towards the front of the site, facing onto Mill Lane. This type of positioning is not uncommon in and around the SCA nor are buildings of this height. The dwelling's positioning would relate more to 2A Mill Lane than the four new dwellings but when seen from further along Mill Lane or Church Hill, this would not in itself be overly strident. This is because although the pattern of development is linear, there is not a strong building line and so the variation could enable a building to be set forward of some of the others around it.
6. However, although the plot is wide, when viewed close-up, it would be notably shorter and smaller in area than most of the dwellings near it. A large part of the new plot would be taken up by the footprint of the dwelling and parking space. There would be space around the building but the slightly off-set, tandem arrangement with No.4 would nonetheless appear cramped and awkward. Whilst the historic pattern of development in parts of the SCA may have resulted in some arrangements comprising buildings close to one another or more than two buildings in a row, developments in the village are not typically tandem arrangements of the sort proposed here.
7. The appellant has referenced various examples from within the SCA and further afield. I saw those within the SCA but they appear more as the organic growth of the village as opposed to having been deliberately squeezed in. I have limited details of the other sites referenced and there is no indication as to whether they are within conservation areas. As such, I cannot be sure that they are comparable to the appeal site and its context.
8. As a result, despite the proposed dwelling being a similar scale to some neighbouring houses, the development as a whole would appear cramped. This jarring relationship would conflict with the prevailing character and appearance of this part of the village.
9. The appellant has submitted revisions to the design of the proposed dwelling. Although the description of development would not be altered, given the number of representations received on the planning application and the lack of consultation on the amended scheme, there is a serious risk that procedural unfairness would arise if the revisions were taken into account. However, even if I were to accept these revised details and were to consider them acceptable, they would not overcome the concerns outlined above regarding the overall effect of the proposal on the prevailing environment and the SCA. Thus, they would not alter my findings in relation to this main issue.
10. For the reasons set out above, the proposal would fail to preserve the character and appearance of the SCA. This would be contrary to the requirements of section 72(1) of the Act. In doing so it would cause harm to the significance of these designated heritage assets.

### Public Benefits and Balance

11. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 212 of the National Planning Policy Framework (the Framework) requires that great weight should be given to the

assets' conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

12. Given the extent and nature of the proposal, I find that the harm in this instance would be 'less than substantial', and towards the lower end of that spectrum of harm. Whilst this is still of considerable importance and weight, paragraph 215 of the Framework nonetheless advises that this harm should be weighed against the public benefits of the proposal.
13. The appellant does not directly advance any public benefits, but the provision of a new dwelling on a brownfield site within the village would be a public benefit. However, there is no suggestion that the Council does not have a five year housing land supply, which tempers the weight I attach to this benefit. There will be some economic benefit from the construction work and there may be some environmental benefits if local suppliers are used. Upon occupation there would also be some small economic and social benefits arising from an additional household in the village.
14. The dwelling would exceed the Nationally Described Space Standards, but these represent a minimum requirement not a target. The building is also said to incorporate sustainable design features and materials albeit such measures are becoming more common and in some cases a requirement of the Building Regulations. The appellant may build the house to a high standard, but I cannot guarantee or ensure the appellant would be the person who builds it. As such, I am unable to take into account the identity of the builder.
15. The planning application forms indicate the development is to be for self-build housing although there is no further elaboration on this issue in the appeal statement. More pertinently, there is no completed planning agreement to legally secure the new dwelling as a self-build project. A planning condition to secure the dwelling as self-build or require the completion of a legal agreement, is unlikely to pass the test of enforceability. I am therefore not convinced that a condition could be used to secure the dwelling as a self-build property. Consequently, there would be no mechanism in place to ensure the self-build nature of the development.
16. Furthermore, although the appellant may have had input into the design of the building and intends to build the house, there is no suggestion that they would be the initial occupant. Consequently, I am unable to attach weight to the suggestion that this would be a self-build project within the terms of the statutory definitions. As a result of this, the development would not qualify for the biodiversity net gain self-build exemption. A small sites metric has though been submitted to which the Council has not raised concerns. The biodiversity net gain attracts positive weight commensurate with the scale of uplift provided.
17. Whilst I do not doubt the appellant's intentions to make the house attractive to elderly/disabled occupants, there is no suggestion that the property would be restricted solely to such occupants. Therefore, whilst compliance with Building Regulation to make the property accessible attracts positive weight, the dwelling would be available on the open market without any restriction on future occupation and so needs to be assessed on that basis.
18. The proposal is said to comply with various requirements and policies. However, they were not contentious matters in the appeal and are requirements to ensure an

acceptable development. In effect, they represent an absence of harm and so are neutral factors that neither weigh for or against the development.

19. Taken together, the overall limited public benefits that would arise are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage assets.
20. The proposal would fail to preserve or enhance the character or appearance of the SCA. This would be contrary to the requirements of section 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact on them and on the character and appearance of the area would also be contrary to Policies SP15, HE1 and HE2 of the Dover District Local Plan 2024 (DDLDP) which, amongst other things, seek to ensure proposals respect the context of its location, protect the district's historic environment, designated heritage assets and conservation areas.

### *Living Conditions*

21. The rear garden of the proposed dwelling would be overlooked principally by the upper floor windows to the new dwelling on Plot 4. I understand that these windows serve bedrooms and so the propensity for views from such a room would be less than a primary living space in the dwelling. However, when coupled with their position and proximity to the proposed rear garden, there would be a level of overlooking, and sense of being overlooked, which would result in a harmful loss of privacy.
22. The potential overlooking from No.4A would be from a slightly more oblique angle than that from No. 4. Nonetheless, it would add to sense of being overlooked and add to the level of intrusion and harm. I am mindful that in a setting such as this one, a degree of mutual overlooking could be expected. However, future residents of the proposed dwelling could reasonably expect that the most sensitive parts of the garden i.e. those areas nearest the rear of the house, would be free from excessive overlooking. That would not be possible in this case given the position and proximity of Nos. 4 and 4A.
23. The side windows to 2A Mill Lane are set further away from the new rear garden and are more in line with the new dwelling than its garden. As such, the potential overlooking from these windows is unlikely to be unduly harmful.
24. By virtue of their height and combined width, a considerable amount of the upper parts of Nos. 4 and 4A can clearly be seen beyond the common boundary with the appeal site. Given the amount of built form and its proximity to the boundary, these houses do loom large over the appeal site, and its rear garden area in particular. Even allowing for the more open aspect to the south and southwest, if future occupants were to be stood in the rear garden, their outlook would be dominated by the overbearing nature of the front elevations of these existing houses.
25. The proposed dwelling and the boundary fencing would curtail some of the outlook from the front windows and garden of No.4. Whilst the relationship between the two buildings would not be particularly neighbourly, the height of the proposed dwelling means that it is unlikely to be overbearing to the occupants of No.4.
26. As with the previous main issue, even if I were to accept the revised design, which omits the proposed rear dormer and so lessens the impact on the occupants of

No.4, it would not overcome the fundamental concerns I have identified above and so would not alter my findings and make the development acceptable.

27. The harmful effects the proposal would have on the living conditions of future occupants would be contrary to Policy PM2(a) of the DDLP which requires new developments to be compatible with neighbouring buildings and not lead to adverse impacts such as overlooking or a sense of enclosure.

#### *Parking*

28. Policy TI3 of the DDLP requires appropriate parking provision for new developments. According to the 'Parking Standards for Kent' Supplementary Planning Document (SPD), a 3-bedroom property in this location would require two on-site parking spaces. The scheme provides one on-site parking space.
29. The policy does support an absence of parking provision for residential development where (a) it is located in easy walking distance of a range of services and facilities; (b) there is suitable access to non-car-based modes of transport; and (c) that this will not be to the detriment of the surrounding area. All three criteria are required to be met.
30. Shepherdswell contains some local facilities which are walkable from the site. They include the church, pub, school and the small local co-op foodstore. The village also benefits from a railway station. It is said to be on the 'mainline' which I have taken to be the mainline between Dover and London. I have not been provided with any details of the frequency of the service or where else it stops. Similarly, there is said to be a local bus service which goes towards Dover but again, I have no details as to the level or frequency of the service.
31. Thus, I cannot be confident that the services, facilities and public transport options that do exist near the site are sufficiently abundant or attractive as to be likely to minimise the use of the private car for travel for most day-to-day needs, especially for a family. I note the intention to provide secure cycle storage for the new house, but this does not overcome the inherent difficulties of the site's location being a likely discouragement to cycling for accessing most services and facilities outside of the village.
32. The appellant indicates that on-street parking in the vicinity of the site is not at a level whereby any overspill parking from the appeal site would be harmful. A parking survey/photographs have been prepared in support of the proposal. This does not appear to have been based on any particular methodology or industry standard, such as the Lambeth Methodology. Nor is the proposal supported by any traffic flow data. Nonetheless, it provides a helpful snapshot, as did my own site visit on a weekday afternoon.
33. Based on what I have read and what I saw, I have no doubt that at certain times of the day and on certain days of the week, travelling along Mill Lane or finding a convenient parking space can be challenging. On occasions when the road is already heavily parked/used, an additional parked car is likely to make this process harder. Conversely, there will be other occasions when it is comparatively straightforward to pass along Mill Lane/Church Hill and/or be able to park a car.
34. Given the information before me, it is difficult to be certain that there would not be some level of detriment to the surrounding area from a reduced level of on-site

parking provision. I am mindful that although the Highway Authority did not object to the proposal, they were not consulted on it. It is not uncommon for there to be a threshold below which such consultations are not undertaken.

35. However, even if the highway authority had been consulted and did not raise a safety concern such that I were to find in favour of the appellant on this point, the proposal has not demonstrated with it would sufficiently accord with all the criteria of Policy TI3 to benefit from a reduced parking provision.
36. The appellant suggests that there are many families today with only one car or without one entirely. However, there is no information, for example on levels of local car ownership nor any details as to the frequency of the public transport options which would make not owning a car a realistic proposition for a family in a location such as this one.
37. The appellant refers to a recent development on Church Hill which did not include parking but provides no further details that allow me to be confident that it is directly comparable to the scheme before me.
38. The revisions to the building's design omit the rear dormer and indicate the resulting internal space to be for a storeroom/dressing room. Although the space would be more restrictive than initially proposed, there is nothing before me to indicate that it could not be used as a bedroom. It might not be marketed as a bedroom, but this alone does not determine the possible use of the room, especially in the light of the layout shown on the revised plans. Thus, even if I were to accept the revisions, they would not alter the demand for on-site parking nor my findings in this regard.
39. Consequently, the proposal is contrary to Policy TI3 of the DDLP which requires appropriate parking is provided for new residential developments unless the stated criteria for no parking provision are all met.

### **Other Matters**

40. As noted previously, no evidence has been presented to me that the Council does not have a five-year housing land supply. Consequently, it is not necessary for me to carry out a planning balance under paragraph 11 of the Framework.
41. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case. The appellant indicates that they have contacted the Local Government Ombudsman to review the situation and that is the correct approach rather than seeking to do it through me.

### **Conclusion**

42. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Stewart Glassar*

INSPECTOR