



Appeal Decision

Site visit made on 20 June 2016

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2016

Appeal Ref: APP/V2255/W/16/3143835

Land adjacent to Marley, High Street Road, Dargate ME13 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Joe De Souza against the decision of Swale Borough Council.
 - The application Ref 15/507710/OUT, dated 18 September 2015, was refused by notice dated 14 January 2016.
 - The development proposed is described on the planning application form as 'outline planning application (all matters reserved) seeking the principle of the erection of one dwelling'.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is whether the proposal would comprise sustainable development in the countryside.

Reasons

3. The appeal concerns a site that is located outside any defined built up area boundary in the Swale Borough Local Plan 2008. Therefore under policy E6 the new dwelling would be treated as being in the countryside. Moreover, it would not comprise one of the limited categories of development which are considered appropriate in the interests of protecting the quality, character and amenity value of the wider countryside.
 4. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
 5. The Appellant has referred to an appeal decision indicating a supply of 3.17 years and a shortfall of 1,437 dwellings. The Council does not dispute the lack of a five year housing land supply in the Borough but suggests this figure is out of date and the supply is 4.9 years. Nevertheless, as a five year supply cannot currently be demonstrated, in this situation Policy E6, which affects the supply of housing, must be considered out of date.
 6. In these circumstances the second bullet point of Paragraph 14 of the Framework concerning decision taking applies, so that permission should be granted unless any adverse impacts of doing so would significantly and
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demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. It is indicated that isolated new homes in the countryside should be avoided unless there are special circumstances.

7. The presence of dwellings and other buildings in the locality is not, in itself, evidence of an absence of isolation and in relation to this matter it is necessary to consider accessibility to the services and facilities that would be used by future occupiers. There is said to be bus stops, a convenience store, coffee shop and a takeaway in walking distance from the site. It is also indicated that the site is adjacent to the settlement of Yorkletts to the east, which is within the boundary of Canterbury City Council (CCC). However, there are no footways in the vicinity of the site, where I saw parked cars in the road. This would act as a significant deterrent to attempting to walk to such facilities, which I consider would be relatively unsafe, especially as the road appeared to be fairly busy with cars at the time of my site visit.
8. The Appellant has submitted the CCC document, A Rural Settlement Hierarchy Study of Canterbury District, October 2011. It is pointed out that, although a small settlement, for the purposes of the study Yorkletts is deemed to fall within the Whitstable Urban Area because it is not within a rural parish. The CCC study is said by the Appellant to have confirmed that Yorkletts or parts of Yorkletts are within 30 minutes by public transport to a Post Office, Primary School, local stores and GP services. However, this does not seem to me to necessarily mean that occupiers of the new dwelling itself, given its precise location beyond the edge of Yorkletts, would necessarily enjoy good access to such services and facilities on this basis. This would be dependent on the nature of the bus services available to the new residents.
9. In this regard it is pointed out that there is a nearby bus stop at the junction of High Street Road and Plumpudding Lane. However, from the bus timetables submitted it is clear that the frequency of the services to and from here are particularly limited. Moreover, for the reasons given above regarding the lack of footways outside the site and their distance, I am not persuaded that any other bus stops in the wider area would provide a reasonable alternative.
10. In these circumstances it seems to me that the future occupiers of the new dwelling would be likely to rely on the private car to reach necessary services and facilities, especially as those in the vicinity are particularly limited. Given the car dependent nature of the location, I conclude that the new dwelling would be isolated.
11. Due to the above factors and the fairly limited nature of local services, I am not persuaded that there would be any significant benefit to the vitality of the community from additional support for such services as a result of the new dwelling. In any case, isolated development should be avoided unless there are special circumstances. I note the pre-application advice obtained from CCC but I must consider this appeal strictly on its own merits.
12. The specified circumstances following paragraph 55 concerning matters such as rural workers, heritage assets and the re-use of buildings clearly do not apply in this case. The final circumstance concerns the exceptional quality or innovative

nature of the design of the dwelling, which should be truly outstanding or innovative, as well as satisfying other criteria.

13. However, the scheme is in outline with only an indicative layout so that the appearance of the dwelling has not been shown to reflect the highest standards in architecture. Even if the Code for Sustainable Homes had not been withdrawn, level three would not have been a high standard so that the dwelling would not be innovative or outstanding in this respect either.
14. There is also a requirement for the development to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. The appeal site comprises the end of a field that opens out to the rear and is contiguous with other agricultural land to the north. The site fronts onto High Street Road where there is sporadic, loose knit development with a few dwellings situated on generally large plots separated by substantial areas of garden and agricultural land, with the area having a semi rural character. To the west of the site are two bungalows set in large grounds and to the east two sites occupied by residential caravans. The settlement of Yorkletts to the east comprises a long stretch of ribbon development on the northern side of Dargate Road and has a noticeably different and more intensively developed character.
15. Despite having some limited built development on either side the appeal site comprises an attractive open field in its own right and provides the opportunity for views to the wider countryside to the north. A public footpath runs along the field edge. As a result, the site contributes positively to the character and appearance of the wider countryside.
16. The indicative layout shows the dwelling towards the front of the site on the eastern side. Nevertheless, however designed and positioned, the new dwelling and associated domestic paraphernalia would unacceptably intrude and encroach into the countryside. Although there could be a gap to the side of the proposed building as shown on the indicative layout, it would also inevitably intrude into and diminish views through the site of the countryside to the north.
17. In consequence, the character and appearance of the locality would be harmed with the proposal not comprising acceptable infill development. The development would not therefore enhance its immediate setting or be sensitive to the defining semi-rural character of the local area.
18. The Appellant refers to consents for two dwellings adjacent to 204 Dargate Road and at a site opposite, as well as 12 dwellings at the northern edge of Yorkletts. However, the full details and background to these schemes have not been provided. The Inspector in the previous appeal decision concerning the current site (Ref APP/V2255/A/12/2183598) makes reference to sites to the east and south-east, which may be the two nearby sites referred to by the Appellant in this case.
19. However, these concerned a site where the Inspector considered it to contribute little to the character and appearance of the countryside and another where the new dwelling would not appear as an encroachment into the countryside. These cases can therefore be distinguished from the current proposal. As a result, there is no evidence to show that there are other decisions concerning development in the vicinity that should be accorded any meaningful weight in favour of this appeal.

20. In consequence, the development would constitute isolated development in the countryside, contrary to paragraph 55 of the Framework. There would therefore be conflict with a specific policy in the Framework which indicates that development should be restricted.
21. The Council's emerging local plan indicates that some minor development in the countryside may be essential for the social, economic or environmental health of a community. However, it is also said that the countryside should be protected from isolated development, with its intrinsic value and undeveloped nature also being protected. Notwithstanding the emerging status of this plan anyway, there would be conflict with this aim because of the detrimental effect on the countryside.
22. It is appreciated that there would be some economic and social benefits of the development. The new dwelling would comprise a self-build project for which there is Government support and the Appellant is included on the local register. There would also be a contribution towards reducing the housing land supply shortfall and meeting the need for new dwellings, which given its proximity may well include that arising in relation to the adjacent settlement of Yorkletts and CCC. There would be some economic benefit in relation to the house building and related sectors and the expenditure of new residents, as well as a social benefit from adding to the local community. Nevertheless, because it would only comprise a single dwelling, these benefits would tend to be fairly modest, even if the lower figure provided by the Appellant for the housing land supply was used.
23. The Appellant suggests there would be a benefit from overlooking of the adjacent public footpath, increasing its safety and encouraging greater use. In my view, the urbanising and domesticating effect would detract from the enjoyment of its use and there is no evidence to show that there is any existing issue of personal security for walkers. This is not therefore a significant consideration in favour of the appeal. The absence of flood risk due to the location of the site is also cited as a benefit. However, mere acceptability in this regard is not a matter that can weigh in favour of the scheme.
24. I therefore conclude that any benefits arising would be relatively limited. However, the new dwelling would comprise isolated development, while also adversely affecting the character and appearance of the locality. There would be conflict with paragraph 55, a specific policy of the Framework, as well as some core principles that should underpin decision-taking. These include taking account of the character of different areas, recognising the intrinsic character of the countryside and focusing development in locations which are or can be made sustainable.
25. As a result of all the above factors, I consider that even if assessed solely in relation to the Framework, in terms of the balancing exercise in Paragraph 14, the adverse impact of granting permission would significantly and demonstrably outweigh the benefits. As a result the proposal would not comprise sustainable development in the countryside. Taking account of all other matters raised, it is therefore determined that the appeal fails.

M Evans

INSPECTOR