



Appeal Decision

Site visit made on 23 November 2015

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: **11 December 2015**

Appeal Ref: APP/V2255/W/15/3129434

Hope Cottage, Oad Street, Borden, Kent, ME9 8LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Wilson against the decision of Swale Borough Council.
 - The application Ref 15/501167/FULL, dated 7 February 2015, was refused by notice dated 23 April 2015.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would result in a sustainable pattern of development and highway safety in relation to the access arrangements.

Reasons

Sustainable development

3. The appeal site lies on the southern side of Oad Street, a small hamlet consisting of a scatter of residential development on either side of a single road. The properties in the hamlet vary in style, but are generally set in spacious grounds. The appeal site, which lies between Hope Cottage and The Hollies, is not open farmland but currently occupied by a variety of structures including a garage, chicken run, caravan, poly tunnel and vegetable plots.
4. Oad Street does not have a defined built up area boundary in the Swale Borough Local Plan 2008 unlike the nearby larger villages of Borden and Bredgar. Consequently, policy E6 of the Local Plan applies, which restricts new housing development to certain limited circumstances which do not apply in this case. However, there is no dispute that the council cannot demonstrate a five year supply of deliverable housing sites and consequently the policies for the supply of housing in the local plan cannot be considered up to date. The proposal would make a contribution to housing supply, albeit modest.
5. The site is well screened by hedgerows on each boundary and is currently used for garden/horticultural purposes. There are existing two-storey houses on either side of the site and a number of others in the vicinity. The site does not therefore comprise open countryside and a dwelling here would not be a new isolated home. It would reflect the existing pattern of development in the area, generally individual houses set in large plots located along the single road.

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6. Oad Street has some facilities including the Oad Street Centre and Plough & Harrow public house. Bus services are available within reasonable walking distance. Even though only a single dwelling, the appeal proposal would make a contribution towards the economic and social vitality of the hamlet and may support services in nearby villages.
7. For these reasons the proposal would result in a sustainable pattern of development in compliance with paragraph 55 of the National Planning Policy Framework which seeks to promote sustainable development in rural areas. Although the proposal would not comply with the settlement hierarchy and housing policies SH1, E6, RC3 and H2 in the Swale Borough Local Plan 2008 there are material considerations which indicate that it would be acceptable.

Highway safety

8. Access to the site is via a private driveway shared with The Hollies, the property immediately to the east. The driveway serves a parking area and double garage for The Hollies and also allows vehicles to enter the appeal site in connection with its current use. However, the existing access into the appeal site is at an acute angle to the road requiring a very sharp turning movement for traffic entering and leaving the site from the west.
9. The highway authority object to the proposal on the grounds of inadequate visibility at the access although this is not reflected in a reason for refusal. On leaving the site, visibility to the left is severely restricted by a hedge about 2-3m high which directly abuts the highway. Although this hedge is within the control of the appellant no detailed plans have been submitted to indicate that adequate sightlines could be achieved to improve highway safety. By contrast, visibility to the right is better but not within the control of the appellant.
10. Plans have been submitted which appear to indicate the shared right of access into the appeal site is limited to a small area in the north western corner of the adjacent property, The Hollies, but this is a private matter between the parties.
11. The existing shared access serves The Hollies which is a substantial residential property. The existing use of the appeal site also generates some vehicular movements but it would be likely that a five bedroom house as proposed would generate significantly more movements, including at night. Overall use of the shared access would therefore be significantly increased.
12. For these reasons it has not been established that the access arrangements would be satisfactory in relation to highway safety or that improvements could be carried out on land within the appellant's control to make the access safe for more intensive use. The proposal could therefore potentially cause a danger in relation to highway safety contrary to paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to development sites.

Conclusion

13. I have had regard to the local connections of the appellant, the commitment to sustainable construction and the impact on the living conditions of neighbouring occupiers but none of these matters affect my conclusions on the main issues.

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14. Although the proposal would result in a sustainable pattern of development, I conclude that the outstanding concerns in respect of highway safety mean that the appeal should be dismissed.

David Reed

INSPECTOR