



Appeal Decision

Site visit made on 11 September 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 27 September 2017

Appeal Ref: APP/V2255/W/17/3175757

Moonshine Cottage, Kingsdown Road, Lynsted ME9 0QU

- 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 Paul Gianuzzi against the decision of Swale Borough Council.
 - The application Ref 17/500560/FULL, dated 1 February 2017, was refused by notice dated 30 March 2017.
 - The development proposed is conversion of existing domestic outbuilding as a separate dwelling, along with associated internal and external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policies SP1, SH1, E6, RC3 and H2 from the Swale Borough Local Plan 2008 referred to by the Council in its decision notice have been superseded by Policies ST1, ST3, ST5 and DM24 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 which has been adopted since the appeal was submitted. Both main parties were given the opportunity to comment on the relevance of the new Plan policies. In view that the Local Plan has been found to be sound, the Council's policies relating to housing land supply are up-to-date and should be given full weight.

Main Issues

3. The main issues in this case are whether the proposal is an appropriate location for new residential development, with particular regard to settlement strategy and accessibility to services.

Reasons

4. The appeal site is in an isolated location where there are some sporadic dwellings interspersed amongst surrounding fields. The appeal site lies in the countryside, outside the defined built up area of Sittingbourne. The area has no services or facilities. The appeal site relates to an outbuilding located within the residential grounds of Moonshine Cottage.

Pattern of development

5. Policy ST1 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 requires development to accord with the Local Plan settlement strategy. Policy ST3 of the same plan directs new development to previously developed land
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Appeal Decision APP/V2255/W/17/3175757

within defined built area boundaries. This policy also indicates that development will not be permitted in the open countryside, unless supported by national planning policy and it is demonstrated that it would contribute to protecting the intrinsic value and beauty of the countryside, amongst other things. The appeal site is located in the open countryside and, as such, does not meet the requirements of either of these policies that direct new development to within built-up areas.

6. The appellant argues that Sittingbourne, with its wide range of facilities and services, including mainline train station, is a short drive from the appeal site. Similarly, Doddington and Rodmersham that host some limited services are respectively 3.5km and 4km and also a short drive from the appeal site. Kindsdown Road has no footways or street lighting along the adjoining highway which shows all the characteristic of a narrow rural lane. Walking and cycling to and from the site to urban centres would be potentially hazardous and unappealing, particularly at night and in the winter. Future occupiers would be reliant on private transport to reach the services and facilities in these centres.
7. The National Planning Policy Framework (the Framework) seeks to reduce the need to travel and to give people a choice about how they travel. In terms of accessibility to public transport, services and facilities, the appeal site would be in an unsustainable location. Whilst I accept that the proposal would relate to the movements of one additional household, this does not justify creating a new dwelling in an unsustainable location, even if this is the same situation as that of the existing occupiers.
8. Paragraph 55 of the Framework addresses the location of housing in rural areas and advises that isolated homes in the countryside should be avoided unless special circumstances apply. Whilst the development would make use of a structurally sound redundant or disused building, I do not consider the proposed development would bring about any meaningful visual enhancement to its immediate setting as would justify such special circumstances. Furthermore, the Framework promotes sustainable development in rural areas where it would enhance or maintain the vitality of rural communities. The creation of one dwelling in this location would not, in my opinion, contribute in any significant way to supporting services in a nearby village or other rural communities.
9. Further to the above, Policies ST1 and ST3 of the new Local Plan are not written in the same terms as paragraph 55 and their adoption postdates the Framework's publication and their purpose is to implement a pattern of development that has been found to be sound. Accordingly, having regard to the provisions of Section 38(6) of the Planning Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 I consider that Policies ST1 and ST3 should be afforded great weight. The new dwelling would be outside of a built-up area and it would, therefore, not accord with the new Local Plan's location strategy.
10. The appellant has drawn my attention to Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (Order) 2015 that can allow for the conversion of agricultural buildings to dwellings. However, the proposal relates to an outbuilding within the grounds of a residential property and, as such, Class Q would not apply here.

Appeal Decision APP/V2255/W/17/3175757

11. For the above reasons, I conclude that the proposed development would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with Policies ST1, ST3, ST5 and DM24 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 that directs new residential development to existing built-up areas and that seek to maintain the character of the countryside and its landscape. It would also be inconsistent with paragraph 55 of the Framework.

Other Matters

12. I acknowledge that the building is structurally sound and capable of conversion. The alterations to the building would not adversely affect the character and appearance of the wider countryside. The building is of sufficient size and could accommodate a two-bedroom family dwelling. Furthermore, the proposal would not impact on ecology and the living conditions of the existing occupiers. Whilst these are benefits of the proposed scheme they do not outweigh the harm that I have identified above or justify the proposal.

13. The appellant has referred me to two appeal decisions, the first at Moat Way, Queensborough (Appeal ref: APP/V2255/W/16/3153116) and the second at Bobbing (Appeal ref: APP/V2255/W/16/3153537). However, those decisions were made prior to the Council's adoption of its new Local Plan. The proposed development can and should be considered in accordance with the current development plan context.

Conclusion

14. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR