



Appeal Decision

Site visit made on 3 December 2018

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2018

Appeal Ref: APP/V2255/W/18/3201155

Bobbing Kennels, Quinton Road, Sittingbourne ME9 8PH

- 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 John Mackelden of E J Mackelden & Sons (Bobbing) Limited against the decision of Swale Borough Council.
 - The application Ref 17/504908/OUT, dated 21 September 2017, was refused by notice dated 17 November 2017.
 - The development proposed is demolition of existing kennels and outbuilding and erection of residential dwellings with associated garaging, landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have dealt with the appeal on this basis, treating the proposed site plan as illustrative only.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

4. The main issues in this case are whether the proposal is a suitable location for new residential development with regard to the spatial strategy of the development plan, the effect of the proposed development upon the character and appearance of the countryside and over-reliance on travel by private vehicle.

Reasons

5. The appeal site is surrounded on three sides by a field with Quinton Road running along its frontage. Toward the site frontage is a bungalow. There are various outbuildings and structures to its rear many of which appear to relate to the site's former dog kennel use. The proposal seeks to demolish the outbuildings and structures at the rear of the existing bungalow and to erect three dwellings.

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Location

6. Policy ST3 of the Bearing Fruits 2031: the Swale Borough Local Plan 2017 (the Local Plan) resists development outside of the built up area boundaries unless supported by national planning policy, amongst other matters. The appeal site falls beyond any built up area boundary and, as such, is located in the countryside. Any residential development beyond the boundary established by the Local Plan would therefore conflict with the aim of providing homes in accordance with the Borough's identified and agreed settlement hierarchy.
7. The appeal site would therefore not be a suitable location for additional housing given its location outside any established built-up boundary. The proposal would be contrary to Policies ST3 and CP3 of the Local Plan that seek to provide new homes in accordance with the settlement hierarchy.

Character and appearance

8. Policy ST3 of the Local Plan (subsection 5) allows for an exception to the above policy stance but only if a development is able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. The appeal site also falls within an important local countryside gap identified by Policy DM25 of the Local Plan. One of the purposes of such gaps is to safeguard the open and undeveloped character of the area. In addition, the Swale Landscape Character and Biodiversity Appraisal identifies the site as falling within the Iwade Arable Farmlands and its recommendations for this area are to restore its rural environment and improve its strength of character. Policy DM24 of the Local Plan seeks to conserve and enhance landscapes.
9. I saw that the existing outbuildings and structures behind the existing bungalow at the appeal site are of modest height. These outbuildings and structures are not overly prominent within the rural landscape when viewed from surrounding public vantage points at Quinton Road and Sheppey Way.
10. The proposal is to erect three dwellings and retain the existing bungalow. Even if these were to be single storey dwellings they would be extremely likely to be of greater height than any of those existing outbuildings and structures at the appeal site. The proposal would therefore represent a more substantial development. For this reason it would be more visually apparent and would, as a consequence of its larger size, be noticeably more conspicuous when observed within this rural landscape.
11. The increased height of development at this site brought about by urbanising residential development would result in the diminution of the rural character and appearance of this location and the countryside. The residential development would be visually prominent and intrusive within this rural landscape, despite not encroaching upon the adjacent field. Therefore, the visual harm of the proposed development to the character and appearance of the countryside would be substantial. This would not protect or enhance either the rural landscape setting or the tranquillity and beauty of the countryside. Although the appeal site forms a small part of the important local countryside gap, the development would impinge further upon the open and undeveloped

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- character of the gap. This would not restore the rural environment or strengthen its rural character.
12. I consider the proposed dwellings would be clearly visible when viewed from the surrounding rural landscape and in views from nearby public highways of Quinton Road and Sheppey Way where there are no field boundary trees or vegetation. The existing limited vegetation around the boundary of the appeal site would not conceal the development in wider views. Although additional or new planting could strengthen boundary vegetation this would take some time to establish so there would be initial to medium term harm. I accept that in some views the development would be seen in the context of a vegetated backdrop but this would not sufficiently obviate the harm arising from the development as the dwellings would be clearly visible in the foreground.
 13. Whilst the appellant contends that the landscape is rather bleak and an undistinguished area of countryside between two roads, this does not justify the setting aside of policies that seek to protect the countryside and rural landscapes.
 14. I accept that the existing dog kennel use is not characteristic of the wider landscape and its removal and redevelopment of the site, when taken on its own architectural merit, could be considered to be a more attractive form of development than that of the unkempt dog kennel use. I acknowledge that the existing bungalow would remain and the site could potentially be put to an alternative commercial use. However, these factors do not justify a development that would result in greater visual harm to the rural landscape and countryside.
 15. I have been referred to a planning appeal (appeal ref: APP/V2255/W/16/3153537) but that appeal was for the development of a much larger site that pre-dated the adoption of the 2017 Local Plan. I consider this proposal can and should be considered on its own merit and in accordance with the current development plan that is in place.
 16. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, CP3, DM9, DM14, DM24 and DM25 of the Local Plan and the Appraisal that, amongst other matters, seek to conserve and enhance the countryside, rural landscapes and important local countryside gaps.
 17. I acknowledge that this is a previously developed site. The appellant suggests that the site should be considered as an exception to normal policy as the land would not constitute open countryside. However, even if this site were to be considered as an exception in this case planning policies require the development to protect and enhance the countryside. I have found that the proposal would not achieve this, therefore this brings the proposal into conflict with development plan policy. Whilst Policy CP3 of the Local Plan offers support for the use of previously development land, it also indicates that not all brownfield sites will be suitable. Similarly the Framework, although encouraging the use of brownfield land, also aims to protect and enhance landscapes and the intrinsic character and beauty of the countryside. This aligns with the aims of the policies cited in the above paragraph.

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Travel

18. The appeal site is separated from any neighbouring settlements, however it would be possible to walk or cycle to a small range of services and facilities within the area. There is a bus stop within a short walking distance of the site. I am mindful of the provisions of the Framework that resist development that would generate private travel and that promote walking, cycling and the use of public transport. In the context of its rural location where accessibility is not normally as good as that of urban areas, I consider that the proposed development would have reasonable access to facilities and services without being solely dependent on private car. Whilst occupiers may opt to use their cars for travel, the movements by the occupiers of three households would be relatively low.

Planning Balance and Conclusion

19. The Council advises that with the adoption of the 2017 Local Plan it has a five year supply of deliverable housing sites. The appellant expresses doubt as to whether this is the case and the weight that should be given to policies for the supply of housing. However, it is not the purpose of an appeal to revisit the Borough's housing need, particularly as the issue has been recently tested through the Local Plan adoption process. Nonetheless, even if there was a shortfall in the five year supply, the three homes proposed in the appeal scheme would make only a minor contribution to it. This matter is therefore not a factor that weighs substantially in favour of the scheme.
20. The proposal would widen the choice of homes within the Swale Borough Council area and new occupiers would contribute to the spend in the local economy and contribute to its vitality. Whilst I consider there would be a need to travel to access services and facilities beyond Bobbing there would be reasonable accessibility to facilities and services within walking or cycling distance relatively close by. These are moderate benefits of the proposed development.
21. Notwithstanding the above, I have found that the proposal would be harmful to the character and appearance of the countryside. I attach substantial weight to this environmental harm.
22. Weighing all the relevant considers in the planning balance, I conclude that the proposal is contrary to the existing settlement policy for the area. The adverse environmental impact of the scheme would significantly and demonstrably outweigh the benefits. Overall, therefore, due to the conflict with the development plan and the identified harm to the environment, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR