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## Appeal Decision

Site visit made on 18 December 2018

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> January 2019

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**Appeal Ref: APP/V2255/W/18/3209762**

**Stanbourne House, Church Road, Eastchurch ME12 4DH**

- 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 Mrs Montgomery against the decision of Swale Borough Council.
  - The application Ref 18/502868/FULL, dated 25 May 2018, was refused by notice dated 25 July 2018.
  - The development proposed is the erection of a single dwelling house approximately 135m<sup>2</sup> to the front portion of within the curtilage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the site would provide a suitable location for housing, having regard to the development plan and the scheme's implications for the countryside and accessibility to services and facilities.

### Reasons

3. The site is located within a loose-knit cluster of dwellings beyond the settlement boundary of Eastchurch, which is centred on the core of the village some significant distance beyond the appeal site, and separated from it by Rowetts Way and open fields.
4. Policy ST1 of the Swale Borough Local Plan 2017 (the Local Plan) seeks to deliver sustainable development that accords with the settlement strategy for the Borough. Policy ST3 sets out the settlement strategy and directs development to existing defined settlements and allocated sites. The appeal site is within the open countryside some distance outside the built up area boundary, where Policy ST3 seeks to restrict development unless it is supported by national planning policy and able to demonstrate that it would contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Although there are some houses in the locality, the site is not within a defined settlement and therefore the proposal is contrary to the settlement strategy for the area.
5. The proposed dwelling and associated garden, hard-standing, access and parking, would introduce a significant degree of urbanisation and encroachment of development into an otherwise rural setting, detracting from the undeveloped appearance of the site. Although the plans indicate a row of

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Appeal Decision APP/V2255/W/18/3209762

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planting set between the front boundary and the dwelling, the change in appearance of the site would be readily apparent from the surrounding area and its intrinsic value as part of the open countryside would thereby be undermined. This would be harmful to the character and appearance of the site and surrounding area.

6. Policy CP2 seeks to ensure that development minimises the need to travel for employment and services. There are some limited day to day services and facilities within Eastchurch, which is identified in the Local Plan as a rural service centre. Although the village is linked to the site by a public footway, it is some distance away. It is therefore likely that future occupiers of the development would be largely reliant on the private motor car to access services and facilities, both in Eastchurch and in other settlements further away. As a result it would have relatively poor accessibility to local services and facilities.
7. I am aware that permission has recently been granted at Nos 3 and 6 Brabazon Road (ref 16/507201) for two new houses, and I understand from the Council's evidence that this was granted when the Borough was not able to demonstrate a five year supply of land for housing. The circumstances are now materially different as the Council has recently adopted its Local Plan and considers that it can demonstrate adequate housing land. I have therefore determined the appeal on the basis of the current development plan, and the specific planning merits of the scheme before me, as required by statute.
8. For the reasons set out above, I conclude that the site is not a suitable location for new housing, in terms of the development plan, the implications for the countryside, and its accessibility to services and facilities. The proposal would therefore be in conflict with Policy ST3 of the Local Plan which sets out the settlement strategy and seeks to restrict development in the open countryside, and Policies ST1, ST6, CP2 and DM14, which seek, amongst other matters to deliver sustainable development that accords with the settlement strategy; focus development at allocated sites or within built up area boundaries; promote sustainable transport through the location of development; and permit development that accords with the adopted development plan. Policy DM9 relates to rural exception housing and is not relevant to this proposal as it has not been put forward as affordable housing to meet local needs.

#### **Other Matters**

9. I acknowledge the appellant's aim to be able to care for an elderly relative by providing a modest dwelling thereby recycling land which is currently surplus to their requirements, but these considerations do not outweigh the overriding harm I have otherwise identified. I am also aware that the appellant is dissatisfied with the pre-application advice that the Council gave. However any such advice is informal and given without prejudice to the Council's determination of a planning application.
10. I have had regard to the site's location in relation to a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended. Although not identified as a formal reason for refusal, the Council has stated that mitigation is required, but as any consideration of that matter would not affect my finding on the main issue, and the appeal would in any case be dismissed, it is not necessary for me to address that objection any further as part of this decision.

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Appeal Decision APP/V2255/W/18/3209762

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**Conclusion**

11. For the reasons given above the appeal is dismissed.

*N Thomas*

INSPECTOR