



Appeal Decision

Site visit made on 3 September 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 08 October 2019

Appeal Ref: APP/V2255/W/19/3232325

Land and buildings at Woodgate Lane, Danaway, Sittingbourne ME9 7QB

- 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 and Mrs Windeatt against the decision of Swale Borough Council.
 - The application Ref 18/505545/FULL, dated 18 October 2018, was refused by notice dated 2 January 2019.
 - The development proposed is the demolition of the existing commercial building and erection of two residential dwellings and detached garages and associated gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and;
 - whether or not the proposed development is in a suitable and accessible location.

Reasons

Character and appearance

3. The appeal site is located near the linear development of Danaway, and in close proximity to the M2 motorway, the A249 Maidstone Road and Wormdale Hill. There is a variety of new and older loose-knit developments along the old Maidstone Road and Woodgate Lane.
4. The surrounding area is one of woodland, open countryside and farmland that includes agricultural or industrial, with sporadic and limited examples of residential uses. Woodgate Lane is accessed from the old Maidstone Road via a steep unmade lane. Along Woodgate Lane there are a number of existing detached dwellings as well as a site of approximately 11 new properties under construction. There is also a fencing and paving business which sits directly below the appeal site.

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Appeal Decision APP/V2255/W/19/3232325

5. The elevated position of the appeal site means that, in contrast to most of the neighbouring developments and despite the presence of trees and hedges, it can be seen in the long views from Wormdale Hill.
6. I have limited evidence before me to suggest that the appeal site is unsuitable for ongoing commercial or agricultural use. Indeed, it appears to be currently occupied by a scaffolding or similar business. Further, the remaining buildings on the site, although of relatively low architectural value, are visually consistent with this type of use; being of relatively simple constructions with muted materials and low shallow roofs.
7. The proposal is to demolish the existing buildings in order to replace them with two detached 4-bedroom dwellings and two garages, thereby disrupting the long views across generally open countryside. As a result, the proposal would result in development incongruous with its rural surroundings. It would be at odds with the prevailing pattern of development in the area through the introduction of further residential development and sprawl, where residential dwellings are generally limited. Consequently, and notwithstanding the softening provided by trees and hedges, the appeal development would harm the character and appearance of the area.
8. The proposed development is therefore contrary to Policy DM3 of the Swale Borough Local Plan 2017 (SBLP), which, amongst other aims, seeks that the design and layout of new development should be well sited, of an appropriate scale, and be sympathetic to the rural location and context.

Suitable and Accessible Location

9. The appeal site is located outside the built-up boundary as defined by the SBLP. The nearest major settlements comprise of Sittingbourne and Rainham, which are approximately 5 and 8km away respectively. There is a bus route, on the nearby Maidstone Road, which runs to Maidstone, Sittingbourne and Sheerness. There are some limited services provided in the small nearby settlements such as public houses and primary schools, with the larger settlements of Sittingbourne and Rainham likely to provide the majority of services such as secondary schools, doctors, post offices and shops for example. The nearest rail station is at Newington which is approximately 5km away.
10. The proposal would result in the creation of two new dwellings located some distance from existing settlements and well outside of the defined built-up boundary. The underlying aim of the built-up boundary is to focus development to within such boundaries so that future occupiers can benefit from access to day-to-day services and infrastructure. Whilst this does not necessarily preclude the creation of new dwellings in the countryside, it nonetheless acts to concentrate development in areas where there is sufficient infrastructure to ensure balance communities with reasonable access to services.
11. The proposal here would fail to respect the existing focus of residential developments to within existing defined settlements or to allocated sites. Access to the local primary school and food shops would require future occupiers to either use the local bus and/or walk down sometimes narrow country lanes and/or rely upon the use of private motor vehicles.

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2

Appeal Decision APP/V2255/W/19/3232325

12. Further, this limited availability of day-to-day services offers an extremely poor level of accessibility to future occupiers for example, but not limited to, families and persons with disabilities.
13. I find, therefore, that the proposal would be contrary to Policies ST1, ST3, CP3, DM3, and DM24 of the SBLP, which state, amongst other things, that development must relate well to the existing settlement pattern, meet local housing need whilst supporting new and existing services.
14. For similar reasons, the proposal is contrary to paragraph 78 of the National Planning Policy Framework (the Framework) which identifies that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Other Matters

15. I note that the appeal site is located approximately 6km from The Swale Special Protection Area (SPA) where ordinarily a competent authority such as myself would potentially need to carry out an Appropriate Assessment. I also note that the appellant has submitted a legal agreement to address matters of mitigation. However, as I have found against the Appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.
16. I acknowledge the earlier appeals referenced by the main parties. However, these appeal sites do not necessarily lie within the same context or relate to the same appeal site. This proposal should be considered on its own planning merits as I have done here.

Overall Conclusion

17. The Council has conceded that it cannot demonstrate a five-year housing land supply; with the latest figure using current methodology around 4.6 years of supply. As such, they consider that paragraph 11(d) of the Framework is engaged. Notwithstanding whether Footnote 6 of the Framework is engaged or not in relation to SPA matters, I find the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, which include the provision of two new dwellings, when assessed against the Framework as a whole.
18. I therefore conclude that the proposal would be contrary to the development plan when taken as a whole, and that there are no material considerations which indicate taking a decision otherwise than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

J E JOLLY

INSPECTOR

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3