



The Planning Inspectorate

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## Appeal Decision

Site visit made on 12 November 2019 by C Brennan BAE (Hons) M.PLAN

**Decision by Andrew Owen BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

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**Appeal Ref: APP/V2255/W/19/3236099**

**Blean Cottage, Hickmans Green, Boughton Under Blean ME13 9NT**

- 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 & Mrs P Robertson against the decision of Swale Borough Council.
  - The application Ref 19/502422/FULL, dated 8 May 2019, was refused by notice dated 9 July 2019.
  - The proposed development is erection of a detached two-storey dwelling following the demolition of existing dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of a detached two-storey dwelling following the demolition of existing dwelling at Blean Cottage, Hickmans Green, Boughton Under Blean ME13 9NT, in accordance with the terms of the application, Ref 19/502422/FULL, dated 8 May 2019, subject to the conditions set out in the attached schedule.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the countryside.

### Reasons for the Recommendation

4. The appeal site comprises a chalet bungalow, a garage and an outbuilding on the western side of Horselees Road, a narrow country road which runs south from the village of Boughton Under Blean. Due to the slope of the site, the buildings are set at a lower ground level than Horselees Road. At 0.14 hectares, the appeal site is substantial in size relative to surrounding residential plots. The Thunderhill Business Park lies to the west of the appeal site, which features large buildings of a utilitarian, industrial appearance that can be seen from Horselees Road when standing in front of the existing appeal property. Blean Oast, a detached two-storey property, lies to the southwest of the appeal property. Blean House, a Grade II listed building, lies further to the south. The roof of Blean House can partially be seen when standing on the road to the north of the appeal property.
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5. The two-storey element which forms part of the eastern elevation of the proposal would be set back 10m from Horselees Road, whilst the full-height part of the proposal would be set back a further 3.5m. Both the hipped roof of the two-storey element and the principal half-hipped roof form would slope away from the road. While the proposal would have a greater height, mass and size than the existing bungalow, its prominence would be mitigated by its set back from the road frontage, its right-angled siting to the road, its use of hipped roof forms which slope away from the road, and the site's lower ground level relative to Horselees Road. The proposal would have a similar scale to other two-storey buildings within the immediate context of the site and so would not appear disproportionately large when considered within the surrounding pattern of development. The scale of the proposal would also be commensurate with the large size of the appeal site and therefore would make the most effective residential use of the site. Partial views of Blean House when approaching from the north would also be retained due to the extent of the proposal's set back from the road. In consideration of the above, the proposal would not constitute an overtly prominent or intrusive form of development and therefore would not cause unacceptable material harm to the character and appearance of the countryside.
6. In its delegated report, the Council asserts that the proposal would be harmful due to its right-angled siting to the road and continuous roofline. However, the proposal would be sited in a manner similar to Blean Oast. Furthermore, the length of the roofline would be half that of Blean Oast and comparable to that of Blean House to the south and Hickory House to the north. As such, the proposal is considered acceptable in both regards.
7. The Council states that the existing property has a low height and does not appear visually prominent within the surrounding rural landscape. However, the proposal would not be visually prominent from the south as it would be screened by vegetation. While the proposal would be visible within views from the north, these views would only be possible within the immediate context of Hickory House, a similarly scaled two-storey building. The proposal would be most visible directly from the front; however, from this perspective it would obscure views of the industrial-style buildings of Thunderhill Business Park to the west, thereby enhancing the countryside setting of Horselees Road. It is therefore considered that the proposal would not appear overtly prominent within its rural setting.
8. The Council state that the proposal would conflict with Paragraph 79 of the National Planning Policy Framework (2019), which seeks to avoid the development of isolated houses in the countryside. However, as the proposal relates to the replacement of an existing house rather than the creation of a new isolated dwelling on an undeveloped site, it is considered that Paragraph 79 is not especially relevant in this case. Furthermore, as the site already comprises a three-bedroom dwellinghouse, it is not considered that the use of the proposed replacement dwellinghouse would be any less sustainable than the use of the existing bungalow, particularly when there is an opportunity to incorporate sustainable construction techniques and energy efficiency measures by condition. The proposal would also be unlikely to generate more car journeys than the existing dwellinghouse.
9. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the countryside.

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The proposed development would therefore comply with Policies ST1, ST3, CP3, DM11, DM14 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan (2017), which require that housing development should be well-designed and appropriate to the setting of the Borough's countryside and landscapes. The proposal would also comply with Policy DM32 of the Local Plan, which requires that development will need to preserve the special interest of listed buildings. The proposal would also comply with the NPPF (2019), which promotes the effective use of land and high-quality design.

#### **Other Matters**

10. In their consultation, neighbouring occupants have queried about the treatment of foul sewage. However I see no reason why the existing dwelling's current arrangements for foul drainage could not be used to serve the proposal.
11. The use of slate tiles, though different to some of the nearby houses, would complement the appearance of the proposal and would therefore be appropriate.
12. Further detail on issues regarding existing trees can be secured by planning conditions.

#### **Conditions**

13. The conditions which are imposed are those which have been suggested by the Council, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the Framework and Planning Practice Guidance.
14. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. However, I have not attached the separate suggested condition that details of external materials need to be submitted to and approved by the Council before development can take place above slab level, as such detail has already been provided on Drawing Nos. BCB/19/05 and BCB/19/06.
15. In the interests of sustainable development, a condition has been imposed which requires that submission of details demonstrating what sustainable construction techniques and energy efficiency measures can be incorporated. This needs to be complied with before the construction work commences to be effective. A condition has also been attached limiting the amount of water that can be used per person per day, in the interests of water conservation and sustainable development.
16. Two conditions limiting the hours of construction and pile driving have been attached in respect of the living conditions of the occupants of neighbouring dwellings.
17. In the interests of highway safety, I have imposed a condition which requires that details of measures to prevent the deposit of mud and other debris on the highway are submitted to the Council. These measures need to be in place before the commencement of development to be effective.
18. In the interests of biodiversity and preserving the character and appearance of the countryside, I have imposed conditions requiring the submission of details

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of hard and soft landscaping works, including retained trees; the implementation of the landscaping works; and the replacement of any species that are removed, become damaged, diseased or die.

19. The Council have suggested that two conditions should be attached to restrict permitted development rights and to ensure sufficient space is available for parking on site. I consider there is ample room on site to park cars and it is not necessary to control the use of the garage or the space in front of it. Moreover, the Planning Practice Guidance states that conditions withdrawing permitted development rights are unlikely to meet the tests of reasonableness and necessity. I do not consider that the restriction of permitted development rights is necessary or reasonable in this instance.
20. The Council have suggested that a condition should be attached requiring that the vehicular access to the site should be constructed prior to the first use of the proposed dwellinghouse. However, as the access already exists, there is no need to attach such a condition.

#### **Conclusion and Recommendation**

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*C Brennan*

APPEAL PLANNING OFFICER

#### **Inspector's Decision**

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR



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#### **Schedule of Conditions**

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plans: BCB/19/01, BCB/19/02, BCB/19/03, BCB/19/04, BCB/19/05 and BCB/19/06, including in respect of the materials shown.
- 3) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the possible inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of the dwelling.
- 4) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).
- 5) Demolition or construction works shall take place only between 0800 and 1800 from Monday to Friday, between 0800 and 1300 on Saturday, and not at any time on Sundays or on Bank or Public Holidays.
- 6) Impact pile driving in connection with demolition or construction works shall take place only between 0900 and 1700 from Monday to Friday, and not at any time on Saturdays, Sundays or on Bank or Public Holidays.
- 7) No development shall take place, including any works of demolition, until details of measures to prevent the deposit of mud and/or other debris on the public highway have been submitted to and approved in writing by the local planning authority. The approved measures shall be adhered to throughout the construction period for the development.
- 8) No development beyond the construction of foundations shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: existing trees, shrubs and other features; planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible); plant sizes and numbers where appropriate; means of enclosure; hard surfacing materials; and an implementation programme. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 9) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.