

Report of the Head of Planning

**PART 5**

Decisions by County Council and Secretary of State, reported for information

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- **Item 5.1** – Willow Farm Caravan Park, Hansletts Lane, Ospringe, Faversham, ME13 0RS

A decision based on security management needs arising from the appellant selling off the original dwelling which supervised the caravan park, and in which he had failed to implement or update the advice of the police. As such I consider this to be a poor decision relying too heavily on the appellant's out-of-date evidence, and one in which I consider the Council's concerns have not been given adequate weight.

- **Item 5.2** – 8 Brogdale Road, Faversham, ME13 8SX

A disappointing and strange decision, seemingly based on the fact that the peculiar extension would not be too noticeable, especially to drivers negotiating a sharp double bend nearby.

- **Item 5.3** – Land adjacent to Acorns, Butlers Hill, Dargate, Faversham, ME13 9HG

Full support for the Council's decision.

- **Item 5.4** – 27, Hilton Close, Faversham, ME13 8NN

Support for the Council's decision on streetscene issues, although the Inspector accepted the design as acceptable, which I did not.

- **Item 5.5** – The Faversham Club, Gatefield Lane, Faversham, ME13 8NX

Full support for the Council's decision.

- **Item 5.6** – Site at 9 Ashford Road, Faversham, ME13 8XJ

A very welcome decision which fully supports the Council's decision.

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## ITEM 5.3



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# Appeal Decision

Site visit made on 16 October 2014

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 26 November 2014

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**Appeal Ref: APP/V2255/A/14/2223979**

**Land adjacent to Acorns, Butlers Hill, Dargate, Faversham, Kent  
ME13 9HG**

- 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 Beryl Chipperton against the decision of Swale Borough Council.
  - The application Ref SW/14/0391, dated 26 March 2014, was refused by notice dated 10 June 2014.
  - The development proposed is a dwelling to replace former cottage and associated works.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal for a dwelling would be a sustainable form of development given its location in the countryside.

### Reasons

3. The appeal site is outside the village of Dargate and is part of a larger site occupied by a substantial detached house, *Acorns*, which is surrounded by an extensive garden. Prior to 1975 two small bungalows occupied this larger site. Permission was then granted for a chalet bungalow and the conversion of the second bungalow to a double garage, Ref: SW/75/807. Other developments have subsequently taken place at *Acorns*, including erection of a detached garage block over which is a first floor studio that has permission for use as a holiday let.
  4. The appeal proposal concerns the building that was converted into a garage for *Acorns* in 1975 and whose lawful use remains that of a garage ancillary to the main dwelling. Its previous use as a dwelling is therefore not relevant to my determination of this appeal. The existing building is in a poor state of repair, but is not of any historical interest or architectural merit. It is proposed to demolish the garage and construct a chalet bungalow that would have a slightly larger footprint and would include a rear conservatory. The area to the rear would be enclosed to form a small garden. Access to the proposed dwelling would be shared with *Acorns*.
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5. The site lies in the countryside outside any defined settlement boundary and beyond the boundary of the Hernhill-Dargate Conservation Area. Saved Policy E6 of the Swale Borough Local Plan, adopted February 2008, seeks to protect and enhance the countryside and sets out a series of exceptional circumstances where development may be allowed. There was no evidence presented with the appeal to suggest that the proposal would meet any of these criteria, or any of those associated with the related policies referred to in Policy E6.
6. The National Planning Policy Framework (the Framework) sets out the Government's approach to the development of housing. Its overall aim is to significantly boost the supply of housing and it requires housing applications to be considered in the context of the presumption in favour of sustainable development. The appeal site is not within an area that has a national designation, such as an Area of Outstanding Natural Beauty. However, it is in an area of countryside that has been designated as one of High Landscape Value within the Local Plan. Advice about housing in rural areas is set out in Paragraph 55 of the Framework, which states that rural housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to advise that local planning authorities should avoid new, isolated homes in the countryside unless there are special circumstances.
7. Dargate is a small village with no facilities or services, with the exception of a public house. The local filling station, just outside the village, has an associated small convenience store. However, most facilities that are required to meet the needs of residents are at either in Whitstable or Faversham, both of which are about five miles away, or in Canterbury, which requires a journey of more than six miles. Even though there is a local bus service, it seems likely to me that the car would be the most attractive and convenient way for local people to reach their preferred destinations.
8. I note that a range of social and sporting activities take place within the village, all of which contribute to the area's sense of identity. However, the area is characterised by scattered dwellings interspersed with paddocks and orchards. The overall impression is of a dispersed rural community with only limited local facilities. In this context, an additional dwelling on this isolated site could not make a significant contribution to the long-term vitality and sustainability of village activities or support the provision of other nearby services and facilities.
9. Paragraph 55 recognises that there may be special circumstances where the general presumption against new houses in the countryside can be set aside. However, no evidence was presented to demonstrate that the proposal would be required to house an essential rural worker, preserve a heritage asset or re-use a redundant building. Neither did the appellant contend that it would meet the four tests set out in relation to proposals of exceptional design quality. The special circumstances required to allow an exception to the policy of resisting new dwellings in the countryside have therefore not been met.
10. I note the appellant's comments in relation to the suitability or otherwise of re-using the building for commercial purposes. However, both the Framework and Local Plan policies are generally supportive of proposals that could benefit the rural economy. It did not appear that any attempt had been made to find a suitable alternative use for the building. This reinforces my view that its replacement with a dwelling would be contrary to local and national policy.

11. I appreciate that the appellant has lived in the area for some time and wishes to move to a smaller property. However that is not a justification for setting aside clear national and local policies to protect the countryside. Similarly, the support of the Parish Council, which appears to be based on the previous use of the garage as a dwelling, is an insufficient reason to make an exception to current planning policy.
12. I conclude that the proposed dwelling would be an unsustainable form of development, due to its location in the countryside and outside a defined village boundary. It would fail to comply with the Framework's objective of only allowing housing development in rural areas where it can be demonstrated that it would enhance the vitality of a rural community. It would also conflict with the aims and objectives of saved Policy E6 of the Local Plan, which seeks to restrict development in the countryside.
13. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR