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## Appeal Decision

Site visit made on 20 July 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2020

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**Appeal Ref: APP/V2255/W/20/3246406**

**Land at 99 The Street, Newnham, ME9 0LW**

- 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 Hursey against the decision of Swale Borough Council.
  - The application Ref 19/503401/FULL, dated 3 July 2019, was refused by notice dated 15 August 2019.
  - The development proposed is erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the site address from the planning application form although I note that it is expressed differently on other documents.

### Main Issues

3. The main issues raised by this appeal are: -
  - (a) Whether the appeal site is an appropriate location for new residential development having regard to the spatial strategy of the development plan and the effect of the proposed development upon the character and appearance of the countryside; and
  - (b) The effect of the proposed development upon Doddington and Newnham Conservation Area (the CA) and nearby listed buildings.

### Reasons

#### *Location, character and appearance*

4. The Local Plan has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states "*At locations in the countryside, outside the built-up area boundaries, as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and 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*".

5. Given that the site's location would be outside the defined confines of the village of Newnham when applying the development plan settlement hierarchy for the Borough, the appeal site would not be an appropriate location for residential development or represent a site where infill development would be permitted.
6. I observed that Newnham offers little in the way of services and facilities that might cater for the day-to-day lives of future occupiers of the proposed development. Occupiers would be reliant on private car to access services and facilities further afield. The National Planning Policy Framework (the Framework) encourages trips on foot or bicycle; however, the location of the site would not encourage the uptake of such sustainable transport.
7. The existing development within the vicinity of the appeal site is characterised by predominately road frontage dwellings. In contrast the siting of the proposed dwelling would be toward the rear of the curtilage of No 99 upon an elevated part of the site laid as meadow and some distance from The Street. Beyond, to the west and south, the landscape is woodland or arable open countryside. I consider that the open and undeveloped character of the appeal site relates more closely to the rural undeveloped characteristics of the countryside, that is designated an AONB (Kent Downs Area of Outstanding Nature Beauty), than that of the village.
8. The proposal would create additional residential development within the grounds of No 99 forming a large dwellinghouse with its own residential curtilage. The two-storey dwelling would spread development onto the open undeveloped part of the site. It would be noticeably larger than the existing garage outbuilding, particularly as it would be sited at a higher ground level than any of the existing buildings within the site. By creating development of urbanised appearance, this would substantially alter the character and appearance of this undeveloped site. Developing the site with a more intensive development would fail to safeguard the open undeveloped character of this part of the countryside and AONB. I, therefore, consider that the proposal would be harmful to the character and appearance of the area. This harm would be visibly apparent in public views from The Street.
9. For the above reasons, I conclude that the proposed development would not be an appropriate location for a new dwelling having regard to the spatial strategy of the development plan. Furthermore, the proposed development would have a harmful effect upon the character and appearance of the countryside and the AONB. The proposal would, therefore, conflict with Policies ST1, ST3, CP3, DM3, DM14, DM24 and DM26 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017. These policies seek, amongst other matters, development to support the aims of sustainable development, adhere to the Council's settlement strategy and to conserve and enhance the countryside and designated valued landscapes.

#### *CA and listed buildings*

10. The existing development along this part of The Street is one of prominently modestly sized two-storey detached, semi-detached and terraced properties. The proposed dwelling would be substantially larger by comparison and, therefore, would not be in keeping with the scale of those properties that characterise the rural village of Newnham. The proposed dwelling's large size, articulation of fenestration and overall appearance would be visible from the CA

given its elevated position within the site. Furthermore, being positioned toward the rear of the grounds of No 99 it would not reflect the established road frontage pattern of the existing development along The Street. When viewed from the context of the CA it would appear as a discordant feature unrelated to any of the development characteristics and appearance of properties within the CA. Consequently, the proposed development would be harmful to both the character and appearance of the CA and would fail to preserve or enhance the setting of the conservation area.

11. East of the appeal site, and just beyond its boundary, is the Grade II listed building known as Foxwood End. The existing modest road frontage development along The Street within this rural village forms the setting of this listed building and its significance. An uncharacteristically large dwelling situated in a location out of keeping within the context of the locality would be harmful to the setting of this listed building.
12. The Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. Given the size and scale of the proposal affecting the adjoining CA as a whole, I consider there would be less than substantial harm to the character of the CA and the proposal would neither preserve or enhance it. In addition, the proposed development would be harmful to the setting of the designated asset, Foxwood End. I consider there would be less than substantial harm to this designated heritage asset, and I give this considerable importance and weight.
14. In accordance with paragraph 196 of the Framework I must weigh the harm against the public benefit of the proposal. The development would contribute to the choice of homes in the area and to the Borough's housing supply, noting that there is a shortfall. It would also contribute to the vitality of the rural community and economy. However, being a scheme of one unit, the contribution and benefit to the public, in my view, would be extremely modest, and insufficient to outweigh the harm identified. With regard to the CA, I conclude that the proposed development would fail to accord with national policy that requires special attention to be given to the desirability of preserving or enhancing the character or appearance of a CA (Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990). In addition, I conclude that the proposed development would fail to accord with national policy that requires special regard to be given to the desirability of preserving the setting of a listed building (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990).
15. For the above reasons, I conclude that the proposed development would have a harmful effect upon the CA and the nearby listed building of Foxwood End. The proposal would, therefore, conflict with Policies CP4, CP8, DM14, DM16, DM32 and DM33 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017. These policies seek, amongst other matters, development to preserve or enhance all features that contribute positively to the area's special character or appearance and to conserve and enhance the historic environment. This includes development within, affecting the setting of, or views into and out of a conservation area.

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*Other matters*

16. The proposal would only result in a modest increase in traffic movements from the existing access and the living conditions of neighbouring existing occupiers would not be impacted. However, as these are matters that are required to be acceptable in their own right in planning terms. They, therefore, hold neutral weight in favour of the proposal.

**Conclusion**

17. Having regard to my findings, the appeal is dismissed.

*Nicola Davies*

INSPECTOR