



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: 14 August 2020

Appeal Ref: APP/V2255/W/20/3245359

Land rear of 148 High Street, Newington, Sittingbourne, Kent ME9 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Steven Mason against Swale Borough Council.
 - The application Ref 19/505596/FULL, is dated 9 August 2019.
 - The development proposed is described as *"conversion of former agricultural barn to a dwelling house including elderly dependent relatives replacement structure, associated car parking and access driveway"*.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. I have taken the site address and description of proposed development from the planning application form although I note these have been expressed differently on other documents. With regard to the description of proposed development, the Council's decision notice and the planning appeal form describe the proposal as *"proposed conversion of former agricultural barn and associated lightweight structure to dwelling with furniture restoration workshop, storage, associated car parking and access driveway"*. I consider this subsequent description to be a more accurate description of the proposal that is before me.
3. The appeal site has been subject to a previous refused planning application¹ and dismissed appeal² for the demolition of existing garage, erection of two garages, three dwellings to include new access with associated parking and landscaping and erection of summerhouse/studio. This proposal differs to that of the previously proposed schemes in that it comprises a reduced application site area and proposes the conversion of the existing barn to create one dwelling with associated workshop. For the purposes of clarity I have considered the proposal, the subject of this appeal, on its own merit.

Background and Main Issues

4. This appeal has been lodged following the Council's failure to determine the planning application within the required timeframe. Notwithstanding this, the

¹ Planning Ref: 17/500946/FULL

² APP/V2255/W/17/3185369

Council issued a formal decision notice only a few days after the appeal was lodged. This sets out reasons for refusal. It is clear from the appellant's statement that the appellant has based his appeal upon those reasons for refusal cited by the Council within its decision notice.

5. I, therefore, consider the main issues in the case are: -

- (a) Whether the proposal is an appropriate location for a new dwelling with workshop 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 proposal upon the Swale Special Protection Area (SPA).

Reasons

Location, character and appearance

- 6. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (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 areas 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*".
- 7. Given that the site's location would be outside the built-up area boundary of Newington, the appeal site would not be an appropriate location for residential development.
- 8. The existing building is situated on land to the rear of existing ribbon development fronting onto High Street (A2). The land to the rear of 148 High Street has a largely open undeveloped appearance. The barn sits within a mown open field that appears to some extent to be used for recreation. The land immediately to the south is open countryside. To the west the land behind the rear gardens of properties fronting onto High Street is open and undeveloped. To the east is a car repair and maintenance depot. Although the land and activity relating to the depot projects further south than that of the land relating to the existing road frontage dwellings along this part of High Street, this is only to a small degree.
- 9. There is a clear change in character between the existing urban related development fronting High Street and the open land to its south. The appeal site is situated within the open land to the south of the High Street and exhibits all the attributes of the countryside. The existing barn building was last used for agricultural purposes associated with a farm. The building itself in its current form is a structure that would typically be found in the countryside.
- 10. The conversion of the barn to residential would alter the elevations of the building to those of domestic appearance. Using the site for residential purposes would also change how the land around the building would be used. Domestic paraphernalia, along with access drive, parking and garden areas, would alter the appearance of the site. The associated workshop would create its own business activity and vehicle movements that would add to the

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intensity of activity at the site. The development would have a significantly urbanising effect upon the site and would substantially change its character. It would result in a diminution of the rural character and appearance of the area and negatively impact upon the tranquillity and beauty of the countryside.

11. I have been directed to supporting text to Policy ST3 that states "*Opportunities are limited to brownfield sites or to the east of the village where there is potential to develop a visually well contained site*". The southern boundary is delineated by a low post and wire fence and this does not, in my view, visually contain the site from the land to the south.
12. For the above reasons, I conclude that the proposed development would not be an appropriate location for a new dwelling with workshop 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. The proposal would, therefore, conflict with Policies ST1, ST3, DM9 and DM14 of the Local Plan. 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.

Swale SPA

13. The Council has identified that the site lies within 6km of the Swale SPA and advises that a contribution is required to mitigate the potential recreational disturbance impacts of the proposed development upon that protected area. The need for mitigation has been acknowledged by the appellant with heads and terms set out within a drafted unilateral obligation. Notwithstanding this, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail or to require an appropriate assessment to be undertaken to assess the development's effect upon the integrity of the protected habitats.

Other matters

14. I have been directed to a recent development at Ellens Place³ east of the appeal site beyond the car repair and maintenance depot. On the available evidence that decision appears to me to have predated the revised 2019 Framework and the 2017 Local Plan, and was, therefore, subject to a different development plan context. This is similarly the case in relation to the pre-application advice offered by the Council to the previous proposal for three dwellings to the rear of 148 High Street. I have also been directed to a planning permission for a residential development at The Tracies⁴. The urban grain of the development in that location is quite different, therefore, different considerations would have applied to that proposal.
15. I acknowledge that had there been no interruption of use of the former agricultural building, general permitted development relating to Class Q could have applied. Given that Class Q does not apply this does not offer support for the proposal.

³ Planning Ref: 16/505861/OUT and 17/503155/REM & Appeal Ref: APP/V2255/W/16/3162006

⁴ Planning Ref: 18/505315/FULL and 19/505822/SUB

Planning Balance

16. The Council can demonstrate a 4.6-year supply of housing land at present. Whilst not a significant shortfall a 5-year supply is not in place. My attention has been drawn to the 'Spirit of Sittingbourne' residential scheme included within the Council's Housing Trajectory no longer coming forward. Reference has also been made to residential schemes at Eastchurch that have been refused planning permission and examples of 'slippage' indicates that there has been a failure meeting previous housing targets. This suggests that there could be implications for the delivery of future housing within the Borough.
17. At the heart of the National Planning Policy Framework (the Framework) is the presumption in favour of sustainable development. In circumstances where there is a housing land supply shortfall Paragraph 11d) of the Framework indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.
18. The site would be within easy walking/cycling distances of Newington Village Centre. This is a moderate benefit of the scheme. Although the site would represent a windfall/small site, being a proposal of only one dwelling, this would not make a significant contribution to housing supply. Notwithstanding this, the appeal site lies outside the settlement boundary and is within the countryside, a location that would conflict with the aim of providing homes in accordance with the Borough's identified and agreed settlement hierarchy. Furthermore, I have found that the proposal would harm the rural character and appearance of the countryside.
19. I, therefore, conclude that the adverse impacts would significantly and demonstrably outweigh the moderate benefits of the scheme when considered against development plan policies and the Framework read as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

20. Having regard to my findings, the appeal should be dismissed and planning permission refused.

Nicola Davies

INSPECTOR