



Appeal Decision

Site visit made on 23 September 2020

by **H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/V2255/W/20/3250611

Pebble Court Farm, Woodgate Lane, Borden 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 & Mrs Michael Miller against the decision of Swale Borough Council.
 - The application Ref 19/505970/FULL, dated 27 November 2019, was refused by notice dated 24 January 2020.
 - The development proposed is conversion of existing detached disused and abandoned former light industrial workshop into a four bedroom dwelling and conversion of existing adjacent detached former associated office and store (previously hay barn) into a home office to be used for the dwelling occupiers. Proposal include part demolition of existing commercial workshop and installation of a sewage treatment plant.
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Decision

1. This appeal is dismissed.

Preliminary Matter

2. There is another appeal made by the appellant on land which includes the appeal site for prior approval for a change of use to two dwellings. For the avoidance of doubt, I have determined these appeals on their individual merits.

Main Issue

3. The main issue is whether the site is a suitable location for housing with particular regard to its accessibility.

Reasons

4. The appeal site is outside the built up area boundary for the purposes of the development plan. Together policies ST1 and ST3 of the Local Plan (Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017) set out a settlement strategy for Swale in order to deliver sustainable development. This sets out that for sites in the open countryside outside the built up area boundaries, development will not be permitted unless it meets particular criteria, including that the development would protect the vitality of rural communities.
5. The proposed dwelling would be accessed via Woodgate Lane, a single track road which is unmade and unlit. Woodgate Lane leads onto Maidstone Road which is a tarmacked road with paving along one side. There are bus stops along this road which provide connections to Sittingbourne, Maidstone and

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Sheerness, Newington and Faversham, including connections with train stations.

6. There are limited public services in Danaway, and there is a school, church parish hall and inn in Borden (approximately 2 miles away). Further away is the town of Sittingbourne which includes a wide range of shops and services.
7. Woodgate Lane does not provide an easy walking or cycling environment, nor would it be appropriately accessible to those with mobility issues, buggies or young children. Given the distance that would need to be travelled along this road, it would not provide suitable access to the bus stops on Maidstone Road. Nor would it provide satisfactory access to the nearby settlement of Borden by sustainable modes. Consequently, travel is likely to be by private vehicle and this would be unlikely to maintain the vitality of rural communities.
8. The site at Woodgate Lane, Borden (15/507804/FULL) has a direct, paved access to Maidstone Road, which has a different character to Woodgate Lane, as described above, therefore the accessibility of this site differs from the appeal site. I understand that Woodgate Cottages, Woodgate Lane Borden (17/500573/FUL) does not create a new residential dwelling and therefore this application is notably different to the appeal proposal.
9. As such the proposed development would have poor access to day to day services by sustainable transport modes. It would not be a suitable site for housing with particular regard to its accessibility. Therefore, in this respect, it would be contrary to policies ST1 and ST3 of the Local Plan, the aims of which are set out above.
10. Policy DM14 sets out general development criteria for the borough, and therefore the policies listed above are more relevant to this main issue.

Planning Balance

11. The Council cannot demonstrate a 5 year housing land supply. Therefore paragraph 11(d) of the Framework is engaged.
12. The proposed development would provide social, economic and environmental benefits associated with the provision of one new home. These include that the development would provide an effective use of this previously developed land, would develop a small site, would reuse a redundant building, would result in works to the building which is in a poor state of repair and incorporate low energy consumption measures and would provide employment during construction. The development would also provide a home office which would avoid the appellant commuting and support the rural economy. These factors weigh in the scheme's favour. However, given the small size of this contribution these matters carry limited weight in my assessment.
13. There are no objections on highways grounds or from environmental health and the effect on character and appearance was not a reason for refusal. Nor were there objections from neighbours. However, the lack of harm in these regards is a neutral factor which does not weigh in favour of the development.
14. On the other hand, there would be environmental harm arising from the harm I have found to the lack of accessibility to services by sustainable transport modes, contrary to both the development plan and the Framework. I therefore consider that the adverse effects of the proposal significantly and demonstrably

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outweigh the limited benefits, when considered against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

Other Matters

15. I note the LPA's position that due to the site's position within 6km of the Swale Special Protection Area the proposal has potential to affect these sites' features of interest. However, given my conclusions above, it is not necessary to pursue this matter further in this case.

Conclusion

16. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons set out above, this appeal is dismissed.

H Miles

INSPECTOR