



Appeal Decision

Site visit made on 7 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: **21st October 2020**

Appeal Ref: W/4000841

Bourne Place, Stockers Hill, Rodmersham ME9 0PJ

- 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 Bishop against the decision of Swale Borough Council.
 - The application Ref 19/503323/FULL, dated 27 June 2019, was refused by notice dated 19 September 2019.
 - The development proposed is conversion of existing outbuildings to form 2 No dwellings with associated parking provision.
-

Decision

1. This appeal is dismissed.

Procedural Matters

2. One of the reasons for refusal references an adverse effect on the integrity of the designated Swale Special Protection Area (SPA) that would result from the proposal. Mitigation is provided in the form of a Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM)s Mitigation Contribution. I consider this matter later.

Main Issues

3. The main issues are whether the proposed development would be a suitable site for housing with particular regard to the character and appearance of the countryside area and accessibility, and the effect on the living conditions of existing occupiers.

Reasons

Suitability of the site for housing

4. Policy ST3 of Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan) sets out the Borough's settlement strategy and states that, of relevance to this appeal, in locations outside the built up area boundaries development will not be permitted unless it would protect the intrinsic character of the countryside and the vitality of rural communities, amongst other things. This settlement strategy is supported by Policy ST1 of the Local Plan. The site is in the countryside for the purposes of the development plan, although it is just outside the built up boundary of Rodmersham Green.
5. The appeal site is formed of an area of land to the rear of Bourne Place. There are two buildings that were formerly a barn and stables, surrounded by open undeveloped land. These buildings appear as functional rural outbuildings,

<https://www.gov.uk/planning-inspectorate>

Appeal Decision W/4000841

appropriate to the countryside setting. The site is adjoined by open land both in use as domestic gardens and open fields. There are also a number of dwellings nearby. Nevertheless, due to its rural character the site itself principally relates to the adjoining countryside land.

6. The proposed development would introduce two dwellings with domestic design features such as fenestration including full height French doors along with the likely household paraphernalia associated with permanently occupied residential homes. These urban features would be incongruous in this setting, conflicting with the intrinsic character and beauty of the countryside and would be harmful for this reason.
7. The site is not easily visible in public views, although it is seen in private views from nearby dwellings and land and therefore this harm would be experienced. Furthermore, development proposals should not harm the intrinsic character or appearance of the area whether or not the proposal is prominent or in public view.
8. The route between the proposed dwelling and Rodmersham Green, where there are a limited number of day to day services, is narrow with no pavement. There is a bus service in this area, although I am not provided with substantive detail of this. Therefore, I am not satisfied that it would provide a realistic means to access day to day services. Whilst it may be appropriate for cyclists, this part of Stockers Hill does not provide an easy walking environment, nor would it be appropriately accessible to those with mobility issues, buggies or young children. Therefore, the proposed development would not provide satisfactory access to the nearby settlements by sustainable modes. Consequently, travel is likely to be by private vehicle and this would be unlikely to maintain the vitality of rural communities.
9. The site is not isolated in terms of the National Planning Policy Framework February 2019 (The Framework). Therefore Policy 79 of the Framework is not directly relevant to the proposed development.
10. Appeal decisions at St Giles Church, Tonge, Boughton Field Cottages, Faversham and Greenhurst, Tunstall have been brought to my attention. In these cases the decision taker assessed the site specific accessibility and, in some cases, character and appearance matters. However, due to differences in physical site characteristics and context these are not directly comparable to the scheme before me now.
11. Consequently, the proposed development would result in harm to the intrinsic character and beauty of the countryside and would not provide suitable access by sustainable transport modes. Therefore, in these regards, the site would not be a suitable site for housing. As such it would be contrary to the Policies most relevant to this main issue: ST1 and ST3 of the Local Plan, the aims of which are set out above.

Living Conditions

12. The access to the proposed dwellings would pass close to a number of windows and doors at Bourne Place. However, the frequency of comings and goings in this location associated with a pair of two-bedroom dwellings would be likely to be low.

Appeal Decision W/4000841

13. As such I am not presented with evidence that persuades me that the proposed development would be significantly harmful to the living conditions of existing occupiers. Consequently, in this respect, it would be in accordance with Policy DM14 of the Local Plan which requires that development should cause no significant harm to amenity.

Fallback

14. Permission has been granted for two holiday lets at this site. It is not in dispute that this permission has commenced, although the outbuildings have not been converted. There is, therefore, a theoretical possibility that this development could be carried out.

15. However, the evidence before me suggests that the holiday let development has not been completed as the demand for the properties would be low. I am not presented with any submissions that this situation has changed. Given these circumstances I am not persuaded that there is a real prospect that the development of the holiday lets will take place. Consequently, this issue has not been determinative in this case.

Planning Balance

16. The Council cannot demonstrate a 5 year housing land supply. Therefore paragraph 11(d) of the Framework is engaged.

17. The proposed development would provide social, economic and environmental benefits associated with the provision of two new homes. These include the conversion of redundant and disused buildings, a more effective use of this land, the development of dwellings which would not be isolated and a contribution towards the housing supply in the Borough. However, given the size of the proposed development these benefits are limited in their scale.

18. On the other hand, there would be environmental harm arising from the harm I have found to the countryside character and appearance and the lack of accessibility 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 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. This would be the case even if I were to find that the effect on nearby habitats sites does not provide a clear reason for refusing the development and that the circumstances set out in paragraph 177 of the Framework are not relevant.

Other Matters

19. The Council has a strategy that seeks to mitigate the impacts on the SPA sites arising from recreational disturbance from residents of new dwellings. The appellant has provided mitigation in the form of a SAMMs Mitigation Contribution. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Appeal Decision W/4000841

Conclusion

20. 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