



Appeal Decision

Site Visit made on 16 August 2021

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/V2255/W/21/3268779

Land Adjacent to Hole Street Farm, Kingsdown Road, Lynsted, ME9 0QX

- 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 Mark Colby against the decision of Swale Borough Council.
 - The application Ref 20/504602/FULL, dated 15 September 2020, was refused by notice dated 22 December 2020.
 - The development proposed is erection of a 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

3. The main issues in this case are: -
 - a. Whether the site is an appropriate location for a new dwelling having regard to the spatial strategy of the development plan and, having regard to the location, whether future occupants would have reasonable access to services and facilities by means other than by private vehicle; and
 - b. The effect of the proposed development on the character or appearance of Kingsdown Conservation Area (the CA) and the setting of the nearby Listed Buildings.

Reasons

Location

4. 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,*

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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 any established built-up area boundary the appeal site would not be an appropriate location for residential development.
6. There are no services in Kingsdown. The nearest larger settlements with services and facilities are at Faversham, Teynham or Sittingbourne where public transport can be accessed. The site is some distance from these settlements. Kingsdown is situated on a narrow rural lane without pavements or street lighting. Walking along the vehicular highway would not feel safe. Similarly, cyclists sharing the narrow road with vehicles are unlikely to feel safe. Even if walking and cycling were possible, the appeal site is not within a realistic walking or cycle distance of services, facilities and connections to public transport.
7. Consequently, given the distance to services, facilities and public transport links, I do not consider that future occupiers would have convenient and practical travel choices. Therefore, I find that future occupiers would be highly reliant upon private vehicle travel to access services and facilities to cater for their day-to-day lives.
8. For these reasons, the location would not be appropriate for a new dwelling having regard to the spatial strategy of the development plan and future occupants would not have reasonable access to services and facilities by means other than by private vehicle. The proposal would, therefore, conflict with Policies ST3 and DM14 of the Local Plan. These policies seek, amongst other matters, development to provide new homes in accordance with the settlement hierarchy for the Borough and provide convenient routes and facilities for pedestrians and cyclists for all development proposals.

CA and Listed Buildings

9. The designated CA comprises that part of the village that encompasses older development that includes a number of Listed buildings. The properties within the CA are set within large plots and are individually designed, although they host a general continuity to their palette of materials. Space between and around buildings and verdant landscaping are a distinctive characteristic of the CA. Taken collectively, the area is of heritage and architectural interest, and this gives the CA significance.
10. The footprint of the proposed bungalow would be large and it would occupy most of the site. Despite incorporating materials similar to those of heritage buildings close by, the bungalow would be of modern form, have a rather squat appearance and would lack the architectural detailing found within the heritage buildings. A development lacking visual interest would be at odds with the varied and more characterful appearance of properties within the immediate area.
11. It is contended that the proposed property would look identical to that of Hole Street Oast. Even if similar materials would be utilised and the footprint of the bungalow and plot size would be similar to that of the Oast, the proposal is for a single storey bungalow. This would not be a development of the same appearance as that of the existing two storey Oast.

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12. The site currently contributes a green and leafy space between Kingsdown Oast and Hole Street Farm House along the road frontage and bestows a sense of space within the CA. Introducing a dwelling at this location would not reflect the existing development and spaces found within the CA. I do not consider that the proposal would respond positively to the character or appearance of the existing development that characterises the CA, and corresponding to this, it would not preserve or enhance the character or the appearance of the CA. Consequently, the proposed development would appear as a discordant development within the context of this CA. The visual harm arising from the development would be readily apparent in public views from Kingsdown Road.
13. The bungalow would sit between Kingsdown Oast and Hole Street Farm House, both Grade II Listed buildings. The garden, although now separated from its host building, remains a garden. It is laid as grass with vegetation around three of its boundaries. Due to its historic use as a garden sited between Kingsdown Oast and Hole Street Farm House, this vegetated space forms part of how these heritage assets either side of the garden are experienced. It has been suggested that the garden has not been maintained and is unsightly. To the contrary I saw that it was well kept.
14. The significance of these Listed designated heritage assets is their historic interest as a collection and the spaces between and surrounding the assets. Looking at the present-day situation, the setting of these Listed buildings is still readily discernible, and corresponding to this, they, along with the garden between, are of historic significance. The encroachment of built development into the garden space would be detrimental to both the character and appearance of the setting of the Listed buildings, as well as their special interest. Therefore, the proposed development would be harmful to their significance. Furthermore, I do not consider the proposal would be of an acceptable size, design or form and this adds to the harm that I have identified by placing built development within this existing garden space.
15. As part of the proposed development a reduction in the extent of the existing vegetation along the road frontage could be achieved. This could increase the visibility of Hole Street Oast when travelling east along Kingsdown Road. However, I do not consider this to be of such a significant benefit that might overcome my above concerns or justify the proposal.
16. 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. Any harm to the significance of a designated heritage asset from development within its setting will require clear and convincing justification. The Framework is clear that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
17. Given the size and scale of the proposal affecting the CA as a whole, I consider there would be less than substantial harm to the character or appearance of the CA and the proposal would neither preserve or enhance it. In addition, the proposed development would be harmful to the designated assets of the listed buildings close by. I consider there would be less than substantial harm

to these designated heritage assets, and I give this considerable importance and weight.

18. In accordance with paragraph 202 of the Framework I must weigh the harm against the public benefit of the proposal. The development would contribute to the borough's housing supply by creating one dwelling at the site. There would be some modest employment benefit during the construction phase of the development and the proposal would make efficient use of the site. Hot water and heating would be provided by non-fossil fuels-based electricity. Whilst these are attributes of the scheme, the contribution and benefit to the public, in my view, would be extremely modest, and insufficient to outweigh the harm identified.
19. The bungalow would be designed to meet the requirements of its intended occupiers. It would also incorporate a garage and the boundaries would be enclosed in a similar form to that of other boundaries in the area. Whilst these are merits of the scheme, these do not outweigh my above concerns or justify the proposed development.
20. For these reasons, I conclude that the proposed development would be harmful to the character or appearance of the CA and the setting of the nearby Listed buildings. The proposal would, therefore, conflict with Policies DM32 and DM33 of the Local Plan. These policies seek, amongst other matters, development to preserve or enhance all features that contribute positively to a CA's special character or appearance and to preserve the setting of Listed buildings and any features of special architectural or historic interest. The proposed development would also fail to accord with national policy.

Other Matters

21. I have been directed to two Council planning decisions, one relating to the erection of a dwelling at Norton and the other to semi-detached properties at Sittingbourne. The appellant contends that these are similar proposals in that those developments would be erected within a CA and next to listed buildings. However, the Council highlights that those developments would take place within the defined built-up boundaries. As such, those developments would not have been subject to Policy ST3 consideration, which is a consideration here. With regard to those development being erected within a CA and next to listed buildings, I have not been provided with any substantive details that would enable me to consider what similarity, if any, those developments would have to that of the proposal before me.
22. My attention has been drawn to the development plan listing Lewson Street, Lynsted and Newham as Tier 5 settlements. The Council advises that appeal site would be within Tier 6 as the appeal site is outside of any defined settlement. As such Policy ST3 will apply.
23. The Council cannot demonstrate a five-year supply of deliverable housing sites, although the supply of 4.6 year is not a substantial shortfall. Nonetheless, given there is not a five-year supply of deliverable sites in place, the provisions of footnote 7, paragraph 11d)ii of the Framework should be applied.
24. Set against the harm identified there would be limited social and economic benefits associated with the proposal. One additional dwelling would make little difference to the overall supply of housing and the support one extra

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households would provide to the local economy would also be minimal. Consequently, the location of the site, high reliance upon private vehicle to enable access to services and facilities and harm that I have identified to the CA and the setting of nearby Listed buildings would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. The harm to designated heritage assets is of particular importance and provides a clear reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR