



The Planning Inspectorate

Appeal Decision

Site visit made on 29 March 2023

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st March 2023

Appeal Ref: APP/V2255/W/22/3295953

Rides House, Warden Road, Eastchurch, ME12 4HA

- 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 Bill Love against the decision of Swale Borough Council.
 - The application Ref 21/506332/FULL, dated 23 November 2021, was refused by notice dated 10 March 2022.
 - The development proposed is erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed dwelling would be in a suitable location having regard to relevant development plan policies.

Reasons

3. The appeal site comprises a vacant plot of land. It is immediately adjacent to a pair of dwellings that are nearing completion following the grant of planning permission at appeal in 2021 (Ref: APP/V2255/W/20/3262303).
4. The new house would be outside of any built-up area boundaries. According to Policy ST3 of the Swale Borough Local Plan this is where development will not generally be permitted. Policy CP3 indicates that homes will be steered towards the locations identified in Policy ST3 which are focused on the main urban centres in the Borough. As such, the proposal would be at odd with the policies that govern the spatial distribution of development.
5. The proposed dwelling would be approximately 1.6km from the built-up area boundary of Warden where there are very few facilities. There is a greater range at Eastchurch which is about 2.5km away. The bus service is infrequent. Because of these factors and although there is a public house nearby, it is likely that future occupiers would be reliant on private vehicles for most trips. As a result, the proposal would not fulfil the aim of Policy CP2 of promoting sustainable transport as there would be very limited access to modes other than the car. This is another aspect of the proposal that counts against it.
6. The proposed chalet bungalow would add to the loose knit ribbon of development along this part of Warden Road. There are also some buildings behind the frontage. The dwelling and its associated parked vehicles and domestic paraphernalia would have an urbanising effect. However, in context,

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there would be no negative impact on the wider landscape or the countryside overall as the existing pattern of sporadic buildings would be perpetuated.

7. The Council is concerned about similar proposals coming forward but any would be judged on an individual basis against relevant policies and so the question of precedent has no bearing on this assessment.
8. Nevertheless, in conclusion, the proposal would not be in a suitable location having regard to relevant development plan policies. In turn, it would not accord with Policy ST1 which seeks to deliver sustainable development by, amongst other things, expecting that the settlement strategy is adhered to.

Other Considerations

9. The supply of deliverable housing sites in Swale is equivalent to 4.6 years of the housing requirement. The proposal would address that shortfall, albeit to a modest degree. Furthermore, the presumption in paragraph 11 d) of the National Planning Policy Framework is relevant.
10. The appellant claims that the site comprises previously-developed land as part of the curtilage of Rides House. This is not a case where the remains of a permanent structure have blended into the landscape. Even though the Local Plan is silent in this respect, the provisions of the Framework do not mean that residential development should always be supported on previously-developed land. Nevertheless, the fact that the site is brownfield land is a consideration that marginally favours the proposal. Paragraph 69 of the Framework supports the development of windfall sites but the implication is that this is aimed at suitable sites within existing settlements.

Final Balance

11. The adverse impacts arising from the proposal relate to its unsatisfactory location when judged against the settlement strategy policies for Swale. This conflict with the development plan is a matter of significant weight against the proposal. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the site is not at all well placed in this respect and this is a further objection.
12. On the other hand, the proposed development would contribute to the supply of housing in a Borough where this is deficient and would be on previously-developed land. These benefits would nonetheless be limited in scale and substance and the proposal would undermine the adopted strategy for the location of development. This is contrary to the expectations of the Framework. At the end of the day, the proposed dwelling would be divorced from any settlement and day-to-day facilities and the site is not one that is suited to additional residential development.
13. As such, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This means that the presumption in favour of sustainable development does not apply.
14. Many of the findings made are similar to those in my decision for the adjoining site but the balance dictates a different outcome. This is because that scheme was to replace an existing dwelling which had permission for an extension whereas the appeal site is undeveloped land. Furthermore, the 2021 appeal

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proposal derived some support from what is now paragraph 80 of the Framework. Therefore, the two cases can be distinguished from one another.

15. The appellant has made a payment to mitigate the detrimental impact arising from recreational disturbance to birds at the Medway Estuary and Marshes Special Protection Area. However, as the appeal is to be dismissed, there is no need to consider whether this would be effective or to undertake an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations.

Conclusion

16. The proposal would not accord with the development plan and there are no material considerations, including the provisions of the Framework, to outweigh that finding. Therefore, for the reasons given, the proposed dwelling is unacceptable and the appeal should fail.

David Smith

INSPECTOR