



Appeal Decision

Site visit made on 9 June 2015

by **C Thorby MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **15 June 2015**

Appeal Ref: APP/V2255/W/15/3004335

The Firs, Dunkirk Road South, Dunkirk, ME13 9PD

- 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 outline planning permission.
 - The appeal is made by Mr and Mrs P Stevens against Swale Borough Council.
 - The application Ref 14/50424 6/OUT is dated 19 August 2014.
 - The development proposed is the erection of a detached single storey dwelling, creation of access, construction of driveway and associated works (outline application with layout and access to be determined at this stage).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single storey dwelling, creation of access, construction of driveway and associated works (outline application with layout and access to be determined at this stage) at The Firs, Dunkirk Road South, Dunkirk, ME13 9PD in accordance with the terms of the application, Ref 14/50424 6/OUT dated 19 August 2014, subject to the conditions set out in Annex A.

Preliminary Matters

2. I have assumed that the appellant means layout rather than siting, as described in the application form, to be a matter to be determined at this stage. The information submitted complies with the definition of layout in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and I have amended the description accordingly.
3. A revised site (103) plan showing a reduced curtilage was put forward with the appeal forms. However, as this is a material alteration to the appeal scheme which has not been consulted upon, it would be prejudicial to others if it were accepted. Therefore, I intend to determine the application on the basis of the original site plan (100).

Main Issues

4. Although the Council failed to determine the application, it seem to me from the evidence submitted that the main issues are the effect on the character and appearance of the countryside, and the planning balance, having regard to the supply of housing in the borough.

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Reasons

5. The site forms a corner section of a large garden which appears to have been part of the garden to The Firs. Although outside the settlement boundary, there are other properties along the road, and, similar to many, the proposed house would be detached and sit in a large plot. The substantial size of grounds around the proposed house would ensure that the site remains overwhelmingly open and the spacious and leafy character of Dunkirk Road South would be maintained.
6. The vehicular access would have reasonable visibility, comparable to other access points in the area and given the width of the lane, most traffic would be travelling reasonably slowly. I am satisfied that with suitable boundary treatment and landscaping (over which the Council has control) the character of the rural lane would not be eroded.
7. There would be an additional house and access point which would increase the built form in the area, but having regard to my previous comments, I consider the impact to be small and the local character and appearance would not be unacceptably altered. I accept that if repeated too often new housing along the appeal road would erode the spacious character. However, the Council would have control over future applications and each case must be considered on its own merit. I conclude that a satisfactory scale, landscape and appearance could be achieved and the appeal scheme would not be detrimental to the character and appearance of the area. In this respect it would comply with the Swale Borough Local Plan (LP) policies RC7, E1 and E9 which seek, among other things, to protect local character including that of the countryside.
8. The site sits in the countryside outside the settlement boundary where Swale Borough Local Plan policy E6 seeks to restrict development and policy SH1 seeks to limit development within Dunkirk. From the evidence submitted, which is taken from Council documents, it appears that there was a lack of a 5 year housing land supply at October 2014 when assessed against the existing LP. Together with evidence of under delivery, this indicates to me that the position is unlikely to have changed since that date.
9. No details of the housing requirement/5 year housing land supply contained in the emerging plan have been put to me, but, in any event the Council's approach to housing in this document has not yet been found sound and I am unable to afford it significant weight. I can only conclude, therefore, that the Council does not have a 5 year housing land supply. In the circumstances, National Planning Policy Framework (NPPF) indicates that local policies relating to housing supply, such as E6 and SH1 where they relate to the supply of housing as envisaged by the NPPF are out-of-date.
10. The proposal would provide a new house, to which I attach positive weight in helping to provide housing in the borough. In this case, the adverse effects would be limited and would not outweigh the benefits of the proposal. The scheme would, therefore, be sustainable development complying with the provisions of the NPPF when taken as a whole.
11. *Conditions.* Reserved matters conditions have been imposed including a time limit for their submission. Details of timings for construction would be important to protect neighbours' amenities in this quiet residential area, during construction. In the interests of proper planning a condition relating to the

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plans for layout and access would be important. Conditions are imposed for these matters.

12. As this is an outline application with landscape (including soft and hard landscaping), scale and appearance (including materials) the subject of a reserved matters condition, it would not be necessary to impose additional conditions at this stage relating to these matters. Conditions relating to implementation can be imposed at the reserved matters stage where necessary. The written ministerial statement of 25 March indicates that matters relating to water and energy efficiency should only be imposed where there is a relevant policy, which, in this case, is not before me. Additionally, no reason has been given why separate recycling details would be necessary.
13. The parking spaces are shown on the plans and as there is a significant amount of hard-surfacing at the site and the house is some distance from the highway there would be no need to restrict these solely to parking. Similarly as the house is within a large plot there would be no need to restrict permitted development rights. I see no reason why details of foundations would be necessary. Conditions relating to these matters would not meet the requirements of the NPPF and have not been imposed.
14. *Conclusion.* For the reasons given, I conclude that the appeal scheme is acceptable and the appeal is allowed.

Christine Thorby

INSPECTOR

ANNEX A

SCHEDULE OF CONDITIONS

- 1) Details of the, appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: No 08088-(00) 100 but only in respect of those matters not reserved for later approval.
- 5) No construction work in connection with the development shall take place on Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 – 1900 hours, Saturdays 0700 – 13 hours unless in association with an emergency.