



Appeal Decision

Site visit made on 16 May 2016

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 17 June 2016

Appeal Ref: APP/V2255/W/16/3144387

Chapel Plantation, Dargate Road, Dargate, Kent ME13 9HB

- 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 Oakleigh Manor against Swale Borough Council.
 - The application Ref 15/505467/OUT, is dated 1 July 2015.
 - The development proposed is the redevelopment of the site for 6 dwellings.
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Decision

1. The appeal is dismissed and planning permission for the redevelopment of the site for 6 dwellings at Chapel Plantation, Dargate Road, Dargate, is refused.

Preliminary Matters

2. The application was not determined within the prescribed period but the Council has submitted a statement making clear its objections to the proposal.
3. The application was submitted in outline with all matters reserved for future determination. I have dealt with the appeal on this basis, treating the draft sketch layout as illustrative only.

Main Issues

4. From my consideration of the submitted statements the main issues are:
 - whether the proposal would result in a sustainable pattern of development having regard to development plan policy;
 - the effect of the proposal on the character and appearance of the area; and
 - the implications of the proposal for the provision of employment in the area.

Reasons

Sustainable pattern of development

5. The appeal site, roughly rectangular in shape, about 0.6 ha in size and with a road frontage of about 38 m, is situated between two residential properties on the northern side of Dargate Road in the hamlet of Dargate. The site is occupied by Oakleigh Manor, a landscape contracting and design company, and is mostly open, used for the storage of plants and building materials, construction machinery and car parking. There is a single storey timber building in the north west corner used for office purposes and a number of

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other ancillary buildings. The proposal is to redevelop the site for six dwellings in order to facilitate the relocation of the company to a more suitable location.

6. Dargate is a small hamlet comprising a scatter of mainly linear residential development along Plumpudding Lane, Butlers Hill and Dargate Road, with no facilities apart from a public house. In accordance with the settlement strategy set out in Policy SH1 of the Swale Borough Local Plan 2008 (the Local Plan), Dargate does not have a defined built up area boundary and consequently Policy E6 applies, which restricts new housing development to certain limited categories, none of which apply in this case. However, there is no dispute that the Council cannot currently demonstrate a five year supply of deliverable housing sites and consequently policies for the supply of housing in the Local Plan – which include Policies SH1 and E6 – cannot be considered up to date. The weight that should now be given to these policies is therefore a matter for consideration in this appeal.
7. The emerging Swale Borough Local Plan Part 1 (the SBLPP1) has reached, but not yet completed, its examination stage. The settlement strategy, informed by Technical Paper 4: 'Influences on the Settlement Strategy', is set out in Policy ST3 of the emerging SBLPP1, and as far as Dargate is concerned, this confirms the status of the hamlet as a settlement without a built up area boundary where countryside policies apply. Whilst the Inspector examining the SBLPP1 has concluded that further allocations should be made to meet the full objectively assessed need (OAN) for housing in the area, she has concluded that the settlement strategy is soundly based and that there are sufficient sites available in the district to enable the Council to deliver the full OAN for the plan period *whilst maintaining the settlement strategy* (my emphasis)¹. The planning policy status of Dargate is therefore in the process of being reconfirmed and in these circumstances Policies SH1 and E6 of the Local Plan should still be given considerable weight.
8. Dargate has no community facilities except for a public house. The hamlet is situated in an area of scattered settlements but the nearest primary school is at Hemhill, 1.7 km away, and the nearest large village with a wider range of shops and services is Boughton, 3 km away. These villages are accessed via narrow, unlit country lanes with no footways which does not encourage cycling or walking and public transport services are relatively poor with only a two-hourly off peak bus service linking the hamlet with Whitstable and Faversham. It is therefore inevitable that the occupants of the new houses would rely to a great extent on the private car for transport purposes.
9. The same conclusion was reached by the Inspector who dismissed an appeal for a single dwelling nearby at Acorns on Butlers Hill in 2014². The National Planning Policy Framework (NPPF) states that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, in this case, residents would be more likely to travel to the nearby towns of Whitstable and Faversham rather than nearby villages where there are only a limited range of services on offer, and even six new dwellings would only generate limited support for existing village services and facilities.

¹ Interim Findings on Swale Local Plan – Conclusions in Part 3 Matter 2 and Part 2 Matter 4

² APP/V2255/A/14/2223979

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10. The proposal would involve the relocation of the existing business which would result in a significant reduction in vehicle movements to and from the site. Whilst reducing movements in and around Dargate, in the absence of firm proposals for a new location it is not clear whether there would be a net overall reduction in vehicle mileage when the journeys of employees to and from the new site and the journeys to and from customers are taken into account. Given this uncertainty an overall reduction in vehicle movements cannot be considered a positive benefit in this appeal.
11. For these reasons the proposal would not result in a sustainable pattern of development having regard to development plan policy. It would conflict with Policies SH1 and E6 of the Local Plan, which should be given considerable weight, and also emerging Policy ST3 of the SBLPP1 which has been endorsed by the examining Inspector. These define Dargate as a settlement without a built up area boundary and thus falling in the countryside, where development is restricted to protect the quality, character and amenity value of the wider countryside.

Character and appearance

12. The appeal site is well screened along the road frontage and most of the site boundaries. Because it is mostly used for open storage and parking, with few built structures, it is not prominent in the surrounding area. The office building is single storey and located in the far corner of the site, well away from public view, and the other buildings and structures are relatively low-key and not out of place in a rural area. The site is subject to planning conditions which limit its visual impact and being well screened it does not have the appearance of a rough and ready, semi-derelict builder's yard. Consequently the site is not intrusive in the landscape.
13. By contrast, the illustrative sketch layout shows a low density group of six houses spread across the whole of the extensive appeal site. This in-depth development would be out of character with the village where the predominant built form comprises residential properties set in individual plots along the road frontages. The only exception to this, the group of houses at Belvedere Farm to the east, involved the redevelopment of very substantial farm buildings which were prominent in the landscape and does not therefore represent a precedent in support of the current scheme.
14. Although the sketch layout is only illustrative, any development of six dwellings on the site would have an intrusive visual impact on the area, even if well landscaped. Whilst a limited development on the road frontage could potentially be in character with the built form of the village, an in-depth scheme of the type proposed would not.
15. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policies E1 and E19 of the Local Plan. These require development to reflect the positive characteristics and features of the locality, to be of a scale, design and appearance that is appropriate to the location, to reinforce local distinctiveness and strengthen the sense of place.

Employment

16. Oakleigh Manor has occupied the appeal site continuously since 1996 and currently employs 2 partners, 28 full-time and 20 part-time employees.

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Vehicle movements to and from the site are concentrated in the early morning and early evening. During the day only the office staff are on site and the number of visitors and deliveries is relatively limited. There is reduced hours working on Saturdays and occasionally on Sundays/bank holidays.

17. The company wish to upgrade their office accommodation which is in poor condition and capitalise more generally in order to invest in new equipment. They also wish to relocate further to the west to be closer to their customer base although this needs to be tempered with the needs of existing staff, most of whom live in the Swale/Canterbury area. The company see the redevelopment of their current site as the means to facilitate these objectives.
18. Achieving these aims may well be desirable for the future of the company, thus safeguarding employment for the benefit of the local economy. However, no detailed business plan has been submitted to substantiate these requirements. There are no firm, costed proposals for the relocation of the business, nor any mechanism to ensure the proceeds of the current proposal are used for these purposes. Consequently, given this significant level of uncertainty, the claimed benefits of the proposal for Oakleigh Manor as a company can only be given limited weight in this appeal.
19. An application for a new office building on the site was refused permission in 2011 but I have no details of this and the Council say they are keen to retain the employment potential of existing commercial sites. Policy B1 of the Local Plan seeks to retain sites currently in employment use for that purpose unless the site is inappropriately located, no longer suitable for employment use or market testing shows there is no demand to justify its retention. None of these exceptions has been demonstrated in this case. Indeed, the current use of the site has planning permission subject to a number of conditions which ensure it is acceptable in this location. Policy B1 also requires the consideration of a mixed use scheme in preference to a complete residential redevelopment of an employment site, and this has not been explored.
20. The implications of the proposal for the provision of employment in the area therefore has two aspects. Firstly, the claimed benefits for Oakleigh Manor have not been clearly demonstrated and secondly, the loss of the appeal site for employment purposes has not been justified and hence conflicts with Policy B1 of the Local Plan. In these circumstances there are no significant employment benefits to weigh against the findings in relation to the other main issues, and the loss of employment land adds a further objection to the scheme.

Other matters

21. In relation to noise and disturbance from traffic, the proposal would remove the impact of vehicle movements generated by the business through the village. The appellant estimates these as between 80 and 110 per day compared to 48 per day if six dwellings are built on the site. However, the village is only lightly trafficked, the timing of movements is controlled by a planning condition and there is no evidence of a highway safety problem. Consequently, this factor, whilst an advantage of the scheme, can only be given limited weight.
22. I have carefully considered all the other arguments raised in favour of this appeal. These include other appeal decisions claimed as a precedent, but the Brogdale Road site for 63 dwellings was adjacent to the town of Faversham and

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the site for a single dwelling was near Boughton which is a large village with a range of services and facilities³. I have not been supplied with sufficient details of the Norfolk case to judge whether the circumstances are comparable⁴. It is appreciated that the houses would be built on previously developed land, of suitable materials, to high environmental standards and that the parish council has not raised any objection. However, these arguments are not significant factors in themselves.

Conclusion

23. The Council is currently unable to demonstrate a five year supply of deliverable housing sites and this will remain the case for some time as the examination of the SBLPP1 has been suspended whilst further housing allocations are made. The proposal would deliver six much needed houses at an early date, bringing social and economic benefits, and this is an important factor in favour of the scheme. In addition, there would be a beneficial reduction in traffic through the village. However, the proposal would not result in a sustainable pattern of development having regard to development plan policy, would cause significant harm to the character and appearance of the area and would involve the loss of employment land. Taken as a whole, these adverse impacts significantly and demonstrably outweigh the benefits.
24. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

³ Brogdale Road APP/V2255/A/14/2224509 Boughton APP/V2255/W/15/3004335
⁴ APP/L2630/A/13/2205855