



---

## Appeal Decision

Site visit made on 21 June 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 01 August 2016

---

**Appeal Ref: APP/V2255/W/16/3145709**

**120 Park Drive, Tunstall, Kent ME10 1RL**

- 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 Colin Viret of Millwood Designer Homes Ltd against the decision of Swale Borough Council.
  - The application Ref 15/510053/FULL, dated 2 November 2015, was refused by notice dated 3 February 2016.
  - The development proposed is the erection of five houses comprising a terrace of three houses and a pair of semi-detached houses, with garages and associated works.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are: -
  - a) The effect of the development on the character and appearance of the surrounding area, and, whether the Tunstall Conservation Area would be preserved or enhanced; and,
  - b) The effect of the development on the settlement boundaries and countryside gap.

### Reasons

*The character and appearance of the surrounding area*

3. The proposed development site would comprise the rear garden of 120 Park Drive and would be sited behind this property. As a result the proposal would have limited effect on the Park Drive street scene. Access to the existing garden is via the highway turning head at the end of Hales Road. I observed that the appeal site more closely relates to the existing development on Hales Road.
  4. The properties on Hales Road are semi-detached chalet bungalows set within generous plots. This street scene has an open verdant character. In contrast, the proposed development would create two substantial blocks of two-storey development tightly clustered around an access, turning and parking area that forms the proposal's frontage. I agree with both parties that the design of the proposed development is not intrinsically poor in its own right and could be said to reflect development of this point in time. However, the density of development within the plot and the size and form of the proposed
-

Appeal Decision APP/V2255/W/16/3145709

---

development, along with the extent of hard surfaced forecourt, would not be in keeping with the spacious landscaped pattern of development and the low key chalet bungalows that characterise the existing development on Hales Road.

5. The Tunstall Conservation Area abuts the south side of the appeal site and as such the proposal would have an effect on the setting of the open character of the Conservation Area that includes Hales House, a Grade II Listed building. For the reasons given above, I conclude the proposed development neither preserves or enhances views in to or out of the adjacent Conservation Area. Given the size and scale of the proposal adjacent the Conservation Area, I consider there would be less than substantial harm to the character and appearance of the Conservation Area. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefit of the proposal. Although the development would bring forward five dwellings, the benefit to the public, in my view, would be limited, and insufficient to outweigh the harm identified. I conclude therefore that the proposal would fail to accord with national policy.
6. For the above reasons, the proposed development would be harmful to the character and appearance of the surrounding area. The proposal is contrary to Policies E1 and E19 of the Swale Borough Local Plan (the Local Plan) that requires development to reflect the positive characteristics and features of the site and locality and requires development to be appropriate to its context, amongst other matters. Paragraph 60 of the Framework also seeks to promote or reinforce local distinctiveness.

*Settlement boundaries and countryside gap*

7. The appeal site falls, in part, outside the settlement boundary defined by the Local Plan and within a countryside gap. Policy E7 of the Local Plan seeks to protect against the merging of settlements. The Council has indicated that a 5 year housing land supply is not in place. The appellant asserts that the site is residential garden that is surrounded by housing on all sides and questions the strategic importance of the countryside gap designation in light of the Council's need to increase housing provision. The appellant statement refers to the Inspectors Interim Findings on the emerging Swale Local Plan. The Inspector indicates that countryside gaps are not necessarily precluded from the allocation of sites.
8. The Council is concerned that the boundaries of Sittingbourne and Tunstall are very close at this point and this countryside gap is necessary to prevent the erosion of the village of Tunstall and prevent it being subsumed into the south of Sittingbourne. The Inspectors Interim Findings note that the impact of any further site allocation should be considered against local environmental designations and the impact of any new allocation on important local countryside gaps, amongst other matters. This designation prevents the village of Tunstall from being incorporated in to the larger Sittingbourne area and, as such, preserves the individual character of these settlements.
9. I observed the boundaries of the respective settlements to be very close at this point. The proposed development would result in the countryside gap being removed, the settlements would merge and the individual character of these settlements would be lost. For this reason, the protection of the countryside gap at this point is, in my opinion, important to prevent harm to the individual character of the settlements of Tunstall and Sittingbourne.

Appeal Decision APP/V2255/W/16/3145709

---

10. The Council has indicated that a 5 year future housing land supply is not in place. The Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide five additional homes within a relatively sustainable edge of settlement location. Whilst the proposal would contribute additional dwellings to the Borough's overall housing supply, the adverse impact would significantly and demonstrably outweigh the benefits. Even if the relevant policies for the supply of housing are out of date, that does not render the development plan policies irrelevant and does not alter the significant harm that I have identified above.
11. For the above reasons, the proposed development would be harmful to the settlement boundaries and countryside gap. The proposal is contrary to the aims of Policy E7 of the Swale Borough Local Plan that seeks to protect against the merging of settlements, amongst other matters.

#### **Conclusions**

12. For the reasons given above I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR