



Appeal Decision

Site visit made on 18 October 2017

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

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

Decision date: 15th November 2017

Appeal Ref: APP/V2255/W/17/3181426

1 Broomhill Cottages, Hanslette Lane, Ospringe, Faversham, Kent ME13 ORS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roger Bishenden against the decision of Swale Borough Council.
 - The application Ref 17/502025/OUT, dated 21 April 2017, was refused by notice dated 16 June 2017.
 - The development proposed is three bedroom bungalow and double garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application has been made in outline, with all matters reserved, and I have determined it on that basis.
3. The Council has confirmed that the emerging local plan was found sound by the Inspector and adopted by the Council on 26 July 2017. I am required to determine the appeal on the basis of the development plan and national policy in place at the time of my decision, and accordingly, I have done so.

Main Issue

4. The main issue in this case is whether the site is a suitable location for housing, having regard to local and national planning policy, and to the effect of the development on the character and appearance of the area, and on the Kent Downs Area of Outstanding Natural Beauty.

Reasons

5. The appeal site is an area of open land set in the open countryside and within the Kent Downs Area of Outstanding Natural Beauty (AONB). It is a roughly triangular piece of woodland, bounded to the north by the M2 motorway, adjoining grazing land to the west, and facing a large orchard across Hanslett Lane, a designated rural lane. The appeal proposal is for a three bed, detached bungalow with detached double garage.
 6. A new local plan, Bearing Fruits 2013: the Swale Borough Local Plan 2017 (the LP) was adopted by the Council in July 2017. Policy ST1 of the LP reflects the presumption in favour of sustainable development contained in
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the National Planning Policy Framework (the Framework). Policy ST3 sets out the Swale settlement strategy, which identifies previously developed land within defined built up area boundaries and on sites allocated by the Local Plan as the principal foci for development. It seeks to restrict development in the open countryside except where it would be supported by national planning policy, and would be able to demonstrate that it would contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

7. Policy ST7 relates to development in the Faversham area, and seeks to provide housing at allocations or other appropriate locations where the role and character of Faversham and its rural communities can be maintained or enhanced.
8. The site is in an area outside any defined settlement boundary and therefore in the countryside, and is not one allocated for housing. The closest settlement, Painters Forstal, is itself considered to be a level 5 village in the open countryside, where development is not required to meet the Local Plan housing target.
9. Painters Forstal has only limited facilities, and future occupiers of the site would be likely to be dependent on private car journeys for access to day to day services and facilities. While there are some other dwellings in the area of the site, including Broomhill Cottages themselves, they are few and are scattered, and I conclude as a result that the development would be physically and functionally isolated.
10. Notwithstanding the presence of the motorway, the vicinity of the site has good visual and landscape quality derived from its openness, the presence of mature trees and hedgerows along Hansletts Lane, and the rural buildings, including the traditionally-styled Broomhill Cottages and a former Oast House, dispersed along the lane.
11. The proposal would involve the insertion of additional built development into this setting. Although the proposal is in outline, it is likely that the general form of development will be similar to that shown on the illustrative plan, and that it would constitute the building of a three bedroom bungalow and double garage. This would represent the creation of significant and noticeable amount of built form where there had previously been none, augmented by a moderately large hardstanding area. It would therefore have an urbanising effect on the previously open land, and would involve the removal of an area of woodland. It would as a result harm the existing pattern of development along Hansletts Lane and diminish the contribution of the site to its rural setting.
12. Paragraph 115 of the Framework is clear that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The development is located within the AONB, and, while small in scale, I conclude that to the same extent that it would harm the character of the countryside, the development would also fail to conserve the special qualities and distinctive character of the AONB of which it forms a part.
13. The development would therefore not be a suitable location for housing in terms of the adopted settlement strategy, and would fail to protect the

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character of the countryside. No evidence has been put before me that it would in other respects be supported by national planning policy, and I have identified none. It would therefore conflict with policies ST1, ST3 and ST7 of the LP.

14. It would also fail to comply with the requirements of the Framework and those of policy DM24 of the LP, which seeks to conserve and enhance the special qualities of the AONB.

Planning Balance and Conclusion

15. The submitted evidence shows that there was a lack of a five year deliverable housing land supply at the time the Council determined the application. However, the local plan has recently been through an examination in public. The Inspector, in her report of June 2017, concluded that she was content that it provided for a five year housing land supply, and that it identified sufficient deliverable sites to meet the full Objectively Assessed Need. I can see no reason to doubt this assessment, while the appellant has put forward no evidence to dispute this.
16. I have therefore determined the appeal on the basis that the Council is able to demonstrate a five year supply of deliverable housing land supply in accord with paragraph 47 of the Framework. The policies in the local plan can therefore be regarded as up-to-date, and I afford them full weight. Paragraph 14 of the Framework, which would require the application of the "tilted balance" is not therefore not engaged.
17. In considering the unweighted balancing exercise, the proposal would provide a single new dwelling, but in absence of a housing supply shortfall, this would be a limited benefit. It would not provide more than a very limited contribution to the vitality of the rural community or limited economic benefits during construction. No consideration of any additional benefits has been put forward by the appellant excepting the provision of a property for the enjoyment of the owner and his or her family.
18. Although the appellant has contended that the purpose of the local plan is to provide for larger sustainable developments, it remains the starting point for decision making, as acknowledged in paragraph 11 of the Framework, and applies to all forms of development. The development in this case would conflict with the Council's up-to-date, plan-led approach to achieving sustainable patterns of growth, which is advocated by the Framework and to which I attach significant weight. The development would not therefore lead to the creation of a new dwelling in a sustainable location.
19. This harm, taken with the harm I have identified to the countryside and to the AONB, would not therefore be outweighed by any benefits, and there are therefore no material considerations which indicate that planning permission should be granted notwithstanding the conflict with the development plan I have identified. I therefore conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR