



Appeal Decision

Site visit made on 14 November 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 20th November 2017

Appeal Ref: APP/V2255/W/17/3177787

Orchard Way, Eastchurch, Sheerness, Kent ME12 4DS

- 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 Lee Marshall against the decision of Swale Borough Council.
 - The application Ref 17/500090/FULL, dated 23 December 2016, was refused by notice dated 13 March 2017.
 - The development proposed is a pair of 3 bedroom semidetached dwellings with associated parking spaces and a 4 bedroom house with double garage and parking all served by the proposed extended highway.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The principle of development in this location having regard to policy and previous grant of permissions.
 - The effect of the proposal on the character and appearance of the street-scene and the wider area.

Reasons

Policy and Previous Grants of Permission

3. Although referred to in the reasons for refusal as an emerging Plan, the Swale Borough Local Plan 'Bearing Fruits 2031' was adopted on 26 July 2017 and is therefore now part of the Development Plan. Policy ST3 sets out the Swale Settlement Strategy with development outside built-up boundaries not being permitted unless supported by national planning policy and able to demonstrate that it would contribute to such as landscape setting and the beauty of the countryside. Policy DM24 concerns valued landscapes as referred to in section 11 of the National Planning Policy Framework on conserving and enhancing the natural environment.
4. A detached dwelling has recently been built adjacent to the site at what is now shown as 37 Orchard Road, and the Council have supplied the Committee Report (Ref: 15/509875/FULL). The summary states that *'in light of the appeal decision for land adjacent to 11 Range Road, the Council's longstanding approach of resisting new residential development in the area would not be sustainable at appeal given the almost identical circumstances in this case.'*

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The site is considered to be a sustainable location for the dwelling proposed with no other material considerations indicating that permission should be refused. A copy of that appeal decision (Ref; APP/V2255/W/15/3135783 dated 28 January 2016 is also supplied.

5. However, the policy background that informed both the appeal Decision and the Council's subsequent grant of permission has changed significantly since that time. The Council is able to demonstrate a 5 year supply of housing land and in the current appeal there is an 'in-principle' objection to further development in this area outside any settlement boundary. The comment of the appellant regarding the need for higher housing requirement figures is acknowledged, but the Local Plan has only recently been adopted and the higher figures referred to are in draft only.
6. The proposal is not able to rely on the provisions of paragraphs 49 and 14 of the Framework as the policies for the supply of housing should not be considered out-of-date so early after the adoption of the Local Plan. Whilst the Council acknowledge the previous lack of supply in the reason for refusal, the view then was that the adverse impacts of permitting the development of the proposed 4 dwellings would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
7. The site that is proposed to be built on should be regarded as being previously developed land as defined in Annex 2: Glossary of the Framework, but only due to it having the hardstanding, since the only extant buildings are those of the stables, which are off-site. Therefore, taking account of the submissions presented to this Appeal, the conclusion is that development as proposed would be contrary to the Swale Settlement Strategy as set out in Policy ST3 and there is an in-principle policy objection to the proposal in this location.

Character and Appearance

8. The residential area comprises a rectangle of roads, with a large grass area in the centre. Whilst Range Road to the south has a regular form of development only on a single side, Orchard Road displays a more varied character and appearance including post-war 'prefab' bungalows together with individual houses, a more recently constructed terrace and more semi-detached houses. The built-up frontage is on both sides of the road to the west, with only single sided development from number 29 to the new number 37.
9. That present arrangement appears to reach a defined point of change at the gates to the stables complex, adjacent to the recently completed number 37, and although there is clearly hardstanding and vehicles, including at the time of the site inspection, a large trailer, the character is one of a transition to truly open countryside with the rural buildings of the stables further to the east. As stated in the previous main issue, the extent to which the appeal site is previously developed land is not fully apparent, it appearing from public viewpoints as open land with trees. It is accepted that the proposal would extend the roadway and place new gates at the east end of the site, to serve the stables with a smaller parking and turning area.
10. The projection of linear development along Orchard Road through the proposed development beyond Range Road and number 37 would appear as encroachment into the countryside and would cause harm to the rural

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character of the present stables land, bringing that use visually closer to the built form of the residential area. The proposal would harm the landscape quality of the area contrary to Policy DM24 and would be contrary to the aims of Policy ST3 in protecting the countryside outside settlement boundaries.

Conclusions

11. The recent adoption of the Local Plan and the fact that a 5 year supply of housing land has been so recently demonstrated has changed the planning balance significantly since the grant of permission at number 37 Orchard Road, or at 9 and 10 Range Road, as referred to by the Council. Whilst the site should be considered as previously developed land, and the housing figures do rely on windfalls, the effect on the character and appearance of the area is such that no exception should be made in this case for the development as proposed, to the settlement strategy in Policy ST3. The proposal would cause harm to the landscape setting of the existing residential area, and not conserve the beauty of the countryside. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR