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## Appeal Decision

Site visit made on 8 January 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> January 2018

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**Appeal Ref: APP/V2255/W/17/3185369**

**Land to the rear of 148, High Street, Newington, Kent ME9 7JH**

- 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 & Mrs Steve Mason against the decision of Swale Borough Council.
  - The application Ref 17/500946/FULL, dated 7 March 2017, was refused by notice dated 1 August 2017.
  - The development proposed is demolition of existing garage, erection of 2 garages, 3 dwellings to include new access with associated parking and landscaping and erection of summer house/studio.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - a) the effects of the proposed development on the character and appearance of the countryside;
  - b) whether or not the site would be suitable for a residential development given its location outside the built-up area boundary of Newington.

### Reasons

#### *Character and appearance*

3. Newington is a village which straddles the A2, one of the main routes that run through the Borough. It is described in Policy ST3 of the Swale Borough Local Plan (Local Plan) as a Rural Local Service Centre, which provides a range of services to its residents and to those pass through and live in the surrounding rural area.
4. The appeal site is an area of land to the rear of No 148 High Street (the A2). It lies to the east of the village centre. The proposed access would be within the settlement and be shared with No 148. However, the area in which permission is sought to construct three new dwellings lies beyond the settlement boundary. For planning purposes the site is therefore within the countryside.
5. With the exception of a modest sized barn, which was previously part of Lions Farm, the site is currently an open field enclosed on its southern boundary by a low wire mesh fence. The grass has been mown and the area appears to be used for recreational purposes. As no substantive evidence of the original arrangement of any agricultural buildings associated with the farm was provided, I was unable to compare the appeal proposal with previous development on the site. The land

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immediately to the south of the site is also in the appellants' ownership and is open, gently undulating countryside. Part of the eastern boundary of the site abuts a car repair and maintenance depot. These commercial activities are visible through the sturdy metal fence. To the west there is open land which lies beyond the rear gardens of the properties fronting the High Street.

6. Although the commercial activities to the east have encroached to a small degree into the area to the rear of the High Street, the remainder has retained its open, rural character. Any other existing buildings appear to be part of the agricultural activities that previously took place in the area and are typical of those that can be seen in the countryside. There is therefore a significant change of character between the development which fronts the High Street and the area to the south.
7. The largest of the proposed dwellings would be a clear incursion into the open, rural landscape and countryside to the south of the High Street. The two smaller dwellings would be reasonably close to either the existing building or the adjacent commercial activities. Nevertheless, the introduction of the proposal as a whole with its access road, garages, parking areas, gardens and associated residential paraphernalia, would significantly erode the open, rural character of the area.
8. I note that the supporting text to Policy ST3 recognises that there may be opportunities to develop sites to the east of the village, but only where there is potential to develop a visually well contained site. In my view the proposal would fail to do this as there are no natural features that would contain the development on its southern side. Consequently, the development as a whole would represent an unacceptable incursion into the countryside which would be harmful to the area's open, rural character and appearance. This would be the case regardless of the precise details of the layout or design of the individual buildings.
9. I therefore conclude that the proposal would harm the character and appearance of the countryside, contrary to Policies ST3, CP3, CP4 and DM14 of the Local Plan, all of which seek to conserve and enhance the countryside.

#### *Suitability of location*

10. Notwithstanding the fact that Newington is an accessible village with a significant range of services, the Local Plan has defined its built-up area boundary. The supporting text of Policy ST3 recognises that development opportunities within the village are limited for a variety of reasons, including poor air quality and the surrounding high quality agricultural land. Any residential development beyond the boundary established by the Local Plan would therefore conflict with the aim of providing homes in accordance with the Borough's identified and agreed settlement hierarchy.
11. I conclude that the appeal site would not be a suitable location for additional housing, given its location outside the built-up area boundary of Newington. The proposal would be contrary to Policies ST3 and CP3 of the Local Plan, which seek to provide new homes in accordance with the settlement hierarchy.

#### *Planning balance*

12. The National Planning Policy Framework (the Framework) seeks to significantly boost the supply of housing and requires local planning authorities to demonstrate a five-year supply of deliverable housing sites. Until recently the Council was unable to do so. However, throughout the pre-application process in relation to the appeal proposal, the Council indicated to the appellants that progress was being made with the Local Plan and, if found sound, this would result in it having an adequate supply of housing sites.

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13. The application was submitted in March 2017, shortly after the re-convened Examination in Public of the Local Plan. The Plan was found sound and adopted in July 2017. The Council determined the application immediately afterwards and did so in accordance with this new Local Plan. I am required to do the same.
14. The appellants contend that the five-year housing land supply is not robust and that any shortfall should be made up in the early years of the Plan. However, it is not the purpose of an appeal to revisit the assumptions or methodologies used to determine the borough's housing need, particularly as the issue has been recently tested through the Examination in Public. Even if there was a shortfall in the five-year supply, the three homes proposed in the appeal scheme would make only a minor contribution to it. This matter is therefore not a factor that weighs in the scheme's favour.
15. I am aware that an Inspector granted planning permission for development of nine dwellings at Ellen's Place in March 2017<sup>1</sup>. However, that scheme was assessed against different policies and when the Council was unable to demonstrate a five year housing land supply. The Inspector found that even though that scheme did not conform to the development plan, the adverse impacts did not significantly and demonstrably outweigh the benefits. The particular circumstances of that site and the policies which applied at the time therefore justified allowing the appeal. That decision cannot be compared with the proposal before me, which I have determined on its individual merits in the light of current planning policy.
16. I note that the appellants seek to construct three dwellings to enable them to live in the largest house, whilst their elderly parents would live independently in the other two. Whilst I appreciate that this would work well for the appellants, there is no mechanism to ensure that the dwellings would continue to be used in this way in the future. These personal circumstances therefore carry little weight in my determination of the appeal.

#### Conclusions

17. The Framework reiterates that planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would harm the open, rural character and appearance of the countryside. In addition, the appeal site lies outside the settlement boundary of Newington within the countryside. The introduction of residential development on it would be contrary to the strategy for the Borough to locate new homes within existing settlements.
18. The proposal would therefore conflict with the development plan and there are no material considerations, which outweigh this conflict. For this reason, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

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<sup>1</sup> APP/V2255/W/16/3162806