



Appeal Decision

Site visit made on 30 March 2022

by **A. Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/V2255/W/21/3279245

Westfields Park Dairy, Swanton Street, Bredgar ME9 8AP

- 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 William Driver against the decision of Swale Borough Council.
 - The application Ref 21/501784/FULL, dated 30 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is described on the application form as the 'conversion of detached single storey brick barn into 3-bedroom residential dwelling with associated parking and garden.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not materially change the planning policy context in respect of the main issues.

Main Issue

3. The main issues are:
 - whether the site is a suitable location for housing with particular regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Appropriateness of Location

4. The appeal site comprises an existing brick-built barn structure, positioned amongst a small cluster of properties towards the south of the village of Bredgar. Village gateway signs and speed restrictions start immediately to the south of the site. Towards the north, the built form of the settlement becomes gradually more consolidated. Whilst there is a more rural character on the approach to the village southwards, there are nevertheless occasional dwellings and buildings in that direction. In that context the site cannot reasonably be described as 'isolated' within the terms of National Planning Policy Framework paragraph 80 (the Framework).

Appeal Decision APP/V2255/W/21/3279245

5. However, the site nonetheless falls outside the built-up area boundary for Bredgar as defined within the adopted Swale Local Plan (LP, 2017). It is therefore within the 'open countryside' in policy terms.
6. LP policy ST3 seeks to direct development principally towards established settlements in proximity to existing services and facilities, whilst protecting the open countryside from inappropriate sporadic development. Policy ST1 seeks to reduce levels of out-commuting and Policy CP2 seeks to minimise the need to travel for employment and services and facilitate sustainable transport.
7. I accept that the distance between the appeal site and Bredgar, which contains services including a shop, post office, pub and school, is similar to other properties in the surrounding area, approximately 0.3 miles away. I also acknowledge that there are public rights of way in the area, including flanking the appeal site, which could in part be used to reach services and facilities. However, these routes are not sufficient to rely on, particularly as they are unlit and of an uneven terrain. I also note the appellant's point regarding the reduction in vehicular emissions that would result from the use of electric cars. However, there is no certainty that future occupants would use an electric vehicle.
8. In my view occupants of the proposed dwelling would be highly reliant on the use of private vehicles to access services and facilities. Footpaths nearby do not lead directly to the village, or its bus stops which connect to larger settlements. Although located only a relatively short distance away, to reach Bredgar individuals would have to proceed alongside Swanton Street/The Street, which does not have a dedicated footway or verge, and is unlit. There is no substantive evidence before me as to the circumstances that led to the creation of other properties nearby, many appearing historic. For those reasons, the site is not a suitable location for housing with particular regard to the accessibility of services and facilities. The proposed development would undermine the provisions of the Council's settlement strategy, introducing sporadic development in an area which is generally restricted, increasing the need for occupiers to travel by car to access employment, services and facilities.
9. Consequently, I conclude that the appeal site would form an inappropriate location for the proposed development, contrary to the relevant provisions of LP Policies ST1, ST3, CP2, DM3, DM14 and DM24. These policies, amongst other things, seek to deliver sustainable development in appropriate places and which is sympathetic to the rural context. In a similar vein, the proposed development would be contrary to the objectives of paragraph 105 of the Framework.

Character and appearance, including effect on AONB

10. The appeal site falls within the Kent Downs Area of Outstanding Natural Beauty ('AONB'). Areas of Outstanding Natural Beauty are designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000, as amended, places a duty upon me to have regard to these purposes in this decision.
11. LP Policy DM24 sets out that development will only be permitted in AONBs where it 'conserves and enhances the special qualities and distinctive character of the AONB'. Framework paragraph 174 requires proposals to 'protect and

Appeal Decision APP/V2255/W/21/3279245

enhance valued landscapes'. LP Policy ST3 sets out that in such areas, development will not be permitted unless supported by national policy and is able to demonstrate that it would contribute to protecting or enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside.

12. Despite scattered buildings, the area surrounding the site is also rural in character. It appears as a location where the built form of the village gradually peters out, giving way to rural surroundings. In that context, I acknowledge that the site is fairly self-contained with clear boundaries and some mature landscaping to the south and east.
13. Nonetheless, I saw that the approach to the site from the south consists of relatively low hedges, allowing direct views across the adjacent field towards the site. From that perspective the existing barn is highly visible, albeit it is not readily visible from further along Swanton Street. In my view, on account of their utilitarian form and affinity with the countryside, although buildings, barns are inherently more consistent with rural character than dwellings. With that in mind, where visible, the barn retains a rustic and agricultural character through its traditional materials and lack of window openings within the roof and prominent side elevation. Thus, the existing barn is consistent with landscape character and that of the AONB.
14. I acknowledge that as the proposal is for the conversion rather than extension of a barn, and in terms of material, effects on local character would be somewhat moderated. Nonetheless, the inclusion of multiple domestic window openings, of a large size and arranged uniformly, in a clearly agricultural building would appear more domestic and, in my view, sit uncomfortably in the highly prominent south elevation, eroding the rural character of the site. I do not agree with the appellant's comment in respect of the south elevation being out of sight from Swanton Street. Both the south elevation and roofslope were clearly visible at the time of my site visit. The detailed design of the proposal would harm the character and appearance of the immediately surrounding area.
15. I acknowledge the appellant's comments in respect of the age of the Council's Conservation of Traditional Farm Buildings Supplementary Planning Guidance. However, it sets out many principles of good design in respect of the treatment of rural buildings which are equally true in present circumstances. In particular, reference is made to the importance of the location and type of windows, avoiding a domestic appearance and ensuring that no window openings should be made in roofs. This has not been achieved here.
16. For the above reasons, I conclude that the detailed design of the scheme would harm the character and appearance of the area, contrary to the relevant provisions of LP Policies DM14, DM16 and DM24, as well as The Conversion of Traditional Farm Buildings SPG. These policies, amongst other things, seek high quality design in development, that is sympathetic and appropriate to the location. This is an objective shared with the Framework.

Other Matters and Planning Balance

17. The appellant makes reference to other appeals, including that under reference APP/V2255/W/17/3170343. However, this is not directly comparable to the appeal before me, either in its location or policy context, determined under a

Appeal Decision APP/V2255/W/21/3279245

previous local plan. In any event, I have considered this appeal on its own, individual merits.

18. The appellant makes reference to the site forming brownfield land, supporting the claim for redevelopment. Even if the site was brownfield land, the support in the Framework for the redevelopment thereof is not at the expense of ensuring good design.
19. Swale Borough Council cannot presently demonstrate a five year land supply of deliverable housing sites. This figure stands at 4.6 years, which amounts to a modest shortfall. This figure is limited but it is not insignificant, noting the Government's objective of significantly boosting the supply of homes. Irrespective of the precise shortfall, in these circumstances the provisions of paragraph 11.d of the Framework are engaged. However, footnote 7 of bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protects areas or assets of particular importance, including AONBs, provide a clear reason for refusing the development. Therefore, the proposed development would not benefit from the presumption in favour of sustainable development.
20. The proposed development would represent a contribution to housing supply in an area with an acknowledged lack of future provision. There would be some social and economic benefits of the proposed development, including in supporting employment during construction and as future occupants would bring trade to nearby services and facilities. However, the benefits arising from one new home would inevitably be limited. I note, too, the appellant's comments in respect of carbon. As explained above, there is no certainty that future occupants would use an electric vehicle. The harm arising from the proposed development would significantly and demonstrably outweigh these modest benefits. Consequently, other material considerations in favour of the proposal do not justify taking a decision contrary to the development plan.

Conclusion

21. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A. Price

INSPECTOR