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## Appeal Decision

Site visit made on 11 September 2023

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

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**Appeal Ref: APP/V2255/W/23/3317192**

**4 The Retreat, The Street, Doddington, Kent ME9 0DB**

- 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 Daniel Dawson against the decision of Swale Borough Council.
  - The application Ref 22/503568/FULL, dated 20 July 2022, was refused by notice dated 27 September 2022.
  - The development proposed is the change of use from agricultural land to domestic garden.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is 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

3. The appeal site lies to the rear of 3 and 4 The Retreat, which form part of a distinctive terraced row of traditional dwellings on the edge of Doddington village. The dwellings are set back some distance from The Street with deep front gardens and further amenity space to the rear. The rear boundaries of dwellings on The Street and Dully Hill provide a clear and distinct edge that demarcates the settlement from open countryside. The topography of the surrounding land allows impressive views across the countryside to be gained from the public realm. The open views across rolling farmland contribute to the special quality and distinctive character of the Kent Downs AONB.
4. The development has extended the rear garden of No 4 into open countryside by fencing off a plot of adjacent land. On my site visit, I saw that the site was largely laid to grass and there was evidence of it being used for vegetable and plant growth. The site was also being used for other household activities and contained children's play equipment and garden furniture. Although the fence and the domestic items within the garden are low key, they support the use of the site for recreation and socialising. Despite the close proximity of the site to No 4's garden and its relatively modest size in comparison to the wider landscape, the development encroaches domestic activity into the open countryside and changes its character. The extended garden is prominent in views from Faversham Road and the public footpath that crosses land to the rear of the site, as well as from nearby dwellings, and disrupts the panorama of rolling farmland that is characteristic of the AONB.

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5. In support of the appeal, the appellant has sought to clarify that the proposed use of the site is as an allotment-style garden, mainly but not solely for growing fruit and vegetables. I have been provided with images and maps which show historic uses of the site. I do not have substantive information about the planning status of those uses and, in any event, am not persuaded they are directly comparable to the appeal scheme, which is for a residential use. I have had regard to the appellant's suggestion that the use of and built development on the site could be restricted through condition. However, it would not be reasonable to prevent it from being used for typical garden activities and would not overcome the harm I have identified.
6. I conclude that the proposed development would cause harm to the character and appearance of the surrounding area and would fail to conserve and enhance the special qualities and distinctive character of the Kent Downs AONB. This would be contrary to policy DM24 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 (SBLP), which seeks to protect the AONB from harmful development. It would also harm the landscape through the encroachment of domestic activity into open countryside. The effect would be significant at the local level given the prominence of the proposed development in views from public vantage points. This would be contrary to policy DM13 of the SBLP, which resists garden extensions where there would be significant harm to landscape.

#### **Other Matters**

7. Plots to the rear of a number of dwellings along The Street have been fenced off in a similar manner to the appeal scheme. I have limited definitive information before about the use and status of those sites. However, this decision relates solely to the site address listed above and as shown on the submitted drawings, and for the development as described above.
8. The appeal development has some support from neighbours, and I note that the appellant considers the existing amenity space to be unsafe for children to play. Despite the larger of the two gardens being at the front of the dwelling, there is limited evidence to indicate the amenity space is insufficient or unsafe. I have also had regard to the potential biodiversity benefits of crop growth. However, this benefit does not outweigh the harm I have identified.

#### **Conclusion**

9. The proposed development would be contrary to the development plan when read as a whole and there are no material considerations that outweigh this harm. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*E. Catcheside*

INSPECTOR