



Appeal Decision

Site visit made on 30 January 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/L2250/D/23/3324028

Terlingham Vale, Gibraltar Lane, Hawkinge, Kent CT18 7AE

- 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 Julian Campbell against the decision of Folkestone and Hythe District Council.
 - The application Ref 23/0376/FH, dated 8 March 2023, was refused by notice dated 4 May 2023.
 - The development proposed is the construction of a new boundary retaining wall.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new boundary retaining wall at Terlingham Vale, Gibraltar Lane, Hawkinge, Kent CT18 7AE in accordance with the terms of the application, Ref 23/0376/FH, dated 8 March 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P4 R1, P8 and P9.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. P8 and P9.
 - 4) No development beyond the construction of foundations shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023, which I have had

regard to as a material consideration in my decision making. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. Nevertheless, the Framework still refers to AONBs and their legal designation and policy status remain unchanged. Therefore, I will still refer to the Kent Downs AONB within this decision.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding area and the Kent Downs AONB.

Reasons

5. The appeal site is occupied by a two-storey dwelling on a corner plot adjacent to Gibraltar Lane and the entrance to Terlingham Lane. Located within the Kent Downs AONB, the site's immediate surroundings are rural in nature, with Gibraltar Lane characterised by the narrow country road and verdant appearance. However, there are a number of residential properties in the area, particularly on Terlingham Lane and to the rear of the appeal site within the main settlement of Hawkinge, which provide a contrasting suburban setting. The appeal site is unmistakably residential, however the barn like appearance of the host dwelling sits comfortably within the rural surroundings of the AONB.
6. The proposed development would replace the existing boundary treatments to the front and side of the site with a new part brick, part concrete retaining wall. To the front and side of the site, adjacent Terlingham Lane, the proposal would replace timber posts with a brick wall. On the side of the site, adjacent Gibraltar Lane, the proposal would replace a steep grass verge with a concrete wall and a brick wall.
7. Although the proposal does not appear to be significantly different in height than the existing boundary treatments around the site, due to the size of the site the length of the proposed retaining wall is extensive. However, whilst the use of brick and concrete would be less rural in appearance than the current boundary treatment, it would be generally in keeping with the distinct domestic appearance of the site and neighbouring properties and would not appear overly incongruous in such a setting. Furthermore, although in a prominent location on a corner plot and in close proximity to the road, views of the proposed development would be localised and therefore would have a limited impact on the scenic beauty and landscape character of the AONB.
8. The current boundaries to the site are partially obscured by some sporadic hedging and shrub which, along with the existing grass verge, would likely be removed to implement the proposed development. However, whilst this contributes to the rural nature of the surrounds, the current landscaping is not well established or of a particularly high quality. As such, I see no reason as to why the soft landscaping within the boundaries of the appeal site could not be replaced once the works have been complete. Appropriate landscaping would also assist to soften the appearance of the proposal on this rural/domestic

boundary. This could be secured by condition, as recommended by the Council in their submission.

9. For the reasons above, I find that the proposed development would not be harmful to the character and appearance of the surrounding area or the Kent Downs AONB. It would therefore comply with Policies HB1, HB8 and NE3 of the Folkestone and Hythe District Places and Policies Local Plan 2020. These policies collectively seek to ensure that new development provides a clear definition between the public and private realm incorporating high quality boundary treatments, does not adversely impact on the quality and character of the landscape or the rural setting and conserves and enhances the natural beauty and locally distinctive features of the AONB and its setting.

Conditions

10. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision.
11. The Council has suggested a condition in relation to the submission of details of the external finishing materials to be used on the proposed development. However, as such details have been included on the submitted plans, this condition is not necessary. Instead, a condition has been included requiring the use of materials to accord with the approved plans.
12. As outlined above, conditions have been included requiring the appellant to submit, implement and retain a scheme of soft landscaping on the appeal site to replace landscaping which will be lost and to soften the impact of the proposed development on the rural nature of the surrounding area.

Conclusion

13. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR