



Appeal Decision

Site visit made on 23 August 2016

by K H Child BSc (Hons) MA MRTPI

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

Decision date: 9 September 2016

Appeal Ref: APP/V2255/W/16/3148862

Lamberhurst Farm, Dargate Road, Yorkletts, Kent ME13 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr. J. Smith against Swale Borough Council.
 - The application Ref 16/501519/FULL is dated 20 February 2016.
 - The development proposed is industrial building comprising of four units with associated parking.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. The appeal results from the Council's failure to determine the planning application within the statutory period. The submitted documentation indicates that had it done so the Council would have refused the scheme due to concerns regarding its effects on the character and appearance of the surrounding area.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located to the south-east of the village of Yorkletts, in the open countryside. The site has an established use certificate for storage and repair of heavy plant and vehicles and adjoins a MOT vehicle testing centre to the east. To the west the site adjoins the residential property of the White House, whilst there are open fields to the front and rear. The site is accessed along a private road which leads to a number of industrial buildings at Lamberhurst Farm, which have been converted from agricultural use.
5. The site is located in an elevated position in the landscape, and can be clearly seen from along the access road and the surrounding countryside. To the north, the public open space of Victory Wood slopes upwards from the site and provides attractive far reaching views across the site towards the south.
6. The proposed scheme would involve the construction of a commercial building

close to the site frontage, with car parking to the rear. The building would be substantial in size, measuring some 36 metres long by 10 metres wide, with a ridge height of some 5.4 metres. The building would be clearly visible in the landscape, including in views from Victory Wood above the intervening vegetation.

7. On my site visit I observed that some of the other industrial buildings in the vicinity are also large in size. However, the MOT centre to the east is set back from the road frontage, whilst other buildings at Lamberhurst Farm are in a less visually prominent position in the landscape and have an agricultural appearance. The proposed building on the appeal site would, by virtue of its bulk, height and position on the elevated site frontage, be a prominent and incongruous feature that would detract from the character of the area and the quality of the landscape. I note that part of the building would be clad in dark stained timber which would help it to integrate better in a rural setting, and furthermore that the scheme includes parking to the rear and landscaping. However, taking account of the scale and position of the building and other urbanising aspects of the scheme, including roller shutter doors and formal car parking, I consider these factors would be insufficient to overcome the visual harm identified above.
8. I have also had regard to the current use of the site in assessing the effect of the proposed development. At the time of my visit there were some shipping containers and vehicles on the site, along with other equipment and machinery. Nevertheless, although usage could potentially be more dense, storage is temporal, and the site is not currently occupied by permanent buildings. I consider that the proposed scheme, with its substantial permanent built form extending along much of the site frontage, would have a more harmful and urbanising effect.
9. A number of other recently approved industrial schemes have been highlighted in rural parts of the district. However, many of these appear to have been in less visually sensitive locations than the appeal site. Nevertheless, each case needs to be determined on its own merits, and it is on this basis that I have determined this appeal.
10. For the reasons above I conclude that the proposed scheme would cause material harm to the character and appearance of the surrounding area. As such it would be contrary to Saved Policies SP1, SP2, B2, RC1, E1, E6, E9 and E19 in the Swale Borough Local Plan (2008) insofar as they seek to ensure development respects the character of its surroundings, and does not detract from the quality of the countryside or the local environment. Taking account of the elevation and prominence of the site I also consider that the proposal would fail to accord with guidance on development within visually sensitive high ground, as set out in the Council's Supplementary Planning Document 'Swale Landscape Character and Biodiversity Appraisal' (1991). The proposal would also be contrary to relevant provisions of the National Planning Policy Framework (NPPF) relating to the protection of the countryside and landscape quality. Furthermore, I consider that it would fail to accord with the principles of sustainable development, as defined in paragraph 7 of the NPPF, given the

environmental harm identified above which would not be outweighed by economic benefits arising from the scheme.

11. In determining this appeal I have taken account of the previous appeal decision on this site (APP/VV2255/W/15/3130656), and note the reduced building dimensions and other modified aspects of the current proposal. Nevertheless, I have assessed the scheme before me on its own merits, and accordingly this has not led me to a different overall conclusion.

Other Matters

12. The proposed scheme would provide additional local commercial units to let, and the appellant has indicated it could lead to the creation of perhaps 30-40 jobs in an area of high unemployment. There is no substantive evidence before me to support these figures or regarding the state of the local economy. Nevertheless, I consider that any such economic benefits, or benefits arising from more efficient use of land, would not outweigh the significant harm to the character and appearance of the area identified above.
13. The appellant has indicated that the proposed scheme would benefit the living conditions of occupiers of the White House in terms of noise, as the building would be set back from the common boundary and additional landscaping would be provided. However, given the relatively small distances involved and the lack of information before me regarding noise generation from current or future uses, or evidence of previous noise problems, I have attached little weight to this matter.
14. The appellant has indicated that the proposed development would generate fewer vehicle movements than the current use, and would therefore be more sustainable. However, although the Highways Authority has not raised an objection on traffic grounds, there are no precise figures before me regarding levels of current and future traffic generation from the appeal scheme. Conversely, the Planning Officer's report indicates that the proposal may result in a slight increase in highway movements, although not to a material degree. In the absence of compelling evidence I have attached little weight to the matter.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed.

Katie Child

INSPECTOR

