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## Appeal Decision

Site visit made on 23 January 2018

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> January 2018

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**Appeal Ref: APP/V2255/W/17/3184720**

**Seabreeze Park, Marine Parade, Sheerness ME12 2BX**

- 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 Seabreeze Caravan Park against the decision of Swale Borough Council.
  - The application Ref 17/500929/FULL, dated 15 February 2017, was refused by notice dated 18 July 2017.
  - The development proposed is change of use and erection of 7 pairs of semi-detached 3 storey dwellings with integral garage, parking spaces and access driveway.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council's decision notice refers to Policies ST3, CP1, CP4, DM14 and DM25 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP). This Plan was adopted on 26 July 2017 since the planning application was determined and supersedes the Policies also specified in the Council's decision notice from the Swale Borough Local Plan 2008. The aims of the policies are similar and so neither party has been prejudiced by this change in policy circumstances.

### Main Issues

3. The main issues are the effect of the proposed development on
  - (i) the loss of a designated holiday park;
  - (ii) the character and appearance of the area including an area of designated Important Local Countryside Gap; and
  - (iii) minerals safeguarding area in which the site is located.

### Reasons

#### *Loss of a designated holiday park*

4. The appeal site comprises a holiday caravan park located on the southern side of Marine Parade outside the built confines of Sheerness. The proposal would involve the removal of the existing caravans and the construction of 14 dwellings with associated access, car parking and landscaping.

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Appeal Decision APP/V2255/W/17/3184720

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5. The appeal site is a designated holiday park which forms part of Swale's Principal Tourism Assets in the LP. LP Policy CP1 seeks to safeguard or enhance such assets that play an important economic role by consolidating or widening the Borough's tourism potential.
6. The appellant argues that the existing holiday park is not economically sustainable and sets out there are other such parks nearby that significantly larger, provide better facilities and have availability for tourists and caravans for sale. The appellant also argues that the current site lacks the potential for expansion and has provided a statement of accounts that set out the small marginal profits that are generated from the current business. The appellant states that given the small scale nature of the site, the availability elsewhere and the fact that most of the caravan users on the site are residents and not tourists, the loss of the site would not result in a significant loss of a tourist asset from the area.
7. I am mindful that the National Planning Policy Framework (the Framework) places emphasis upon ensuring viability and deliverability of development. However, whilst I recognise the existing park is small and lacks the facilities of other larger caravan parks nearby, I have not been supplied with any evidence or marketing particulars to clarify how and where the site has been advertised for sale. Few details have been provided to show what enquiries have been received and what comments have been made by prospective occupiers to demonstrate why there is a lack of interest in the site. In the absence of satisfactory marketing evidence or suitable alternative evidence to demonstrate the lack of demand for the continued use of the site or that it is no longer practicable, I consider that the loss of the holiday park has not been clearly justified in this case.
8. Consequently, I conclude that the proposal would involve the unacceptable loss of a designated holiday park contrary to LP Policy CP1 which seeks to manage and protect the existing tourism Assets across the Borough.

*Character and appearance of the area*

9. The appeal site comprises of a number of static caravans and a two storey dwelling that form part of a holiday caravan park. To the west of the site is the Ship-on Shore public house that forms part of a linear pattern of residential development further to the west and to the east is a large brick-built building at the entrance of a chalet and caravan park. On the opposite side of Marine Parade to the north are a grassed area, public car park and high concrete sea wall and to the south is an area of open land and playing fields with a canal and open fields beyond.
10. The appeal site itself is level with Marine Parade and the adjoining land to the rear and is enclosed by a mature hedge and trees along the boundaries. The static caravans that occupy the site are very low, small in scale and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the surrounding open land and playing fields.
11. The proposal would involve the construction of 14 no. three bedroomed, three storey semi-detached dwellings each with an integral garage, driveway, garden and vehicular access onto an internal access road off Marine Parade. The

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<https://www.gov.uk/planning-inspectorate>

2

Appeal Decision APP/V2255/W/17/3184720

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contemporary style dwellings would be built on narrow plots with a vertical form with steep pitched slated coloured roofs. The external finish of the dwellings would be predominantly constructed from buff coloured brick at lower level and fibre cement cladding panels and high levels of glazing at upper level.

12. As the appeal site is outside the defined settlement confines of town of Sheerness, it is within the open countryside wherein development will not be permitted unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing, the intrinsic value, landscaping setting, tranquillity and beauty of the countryside under the terms of LP Policy ST3. The development would also fall within an area designated as Important Local Countryside Gap. LP Policy DM25 states that planning permission will not be granted for development that undermines the purpose of such gaps, which in this case is to retain the individual character and setting of the settlements of Sheerness and Minster.
13. A core principle of the Framework, together with LP Policy ST3, is to recognise the intrinsic character and beauty of the countryside in both plan making and decision taking. In visual terms, given the enclosed nature and the flat topography of the site in relation to the immediate surroundings, the appeal site provides a minimal contribution to the wider surrounding area and the proposal would have limited harm on the character of the wider landscape.
14. Nonetheless, on a more local level, the scale and layout of the proposed dwellings would nevertheless be substantial in this location and would represent a significant shift of the built up development beyond the confines of the town. The appeal site together with the adjoining areas, provide a contribution to the visual quality and the openness of the area. It adds to the character and appearance of this part of Sheerness and provides an important contribution to the setting of the town.
15. Although visually the contemporary appearance of the proposed dwellings have some merits, the proposed development would result in an increased built form on the site and the proposed encroachment into the Important Local Countryside Gap would compromise the sense of space and openness in the area. Paragraph 60 of the Framework states that it is proper to promote or reinforce local distinctiveness. In this case, the siting and layout of the proposed development dominated by the access road and car parking areas at the front of the site would not amount to a subservient form of development in this location and would fail to promote or reinforce the distinctive characteristics of this Important Local Countryside Gap.
16. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Marine Parade. I therefore consider that the proposed development, by virtue its scale, siting and layout, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
17. I have considered the appellant's arguments that the layout, scale and design of the proposed dwellings has been carefully considered in order to provide an innovative design solution to the development of the site that would be in keeping with the other properties in the area and takes into account the pre-application advice of the Council. The Council, however, are not bound by the

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3

Appeal Decision APP/V2255/W/17/3184720

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officer's pre-application advice in making their final decision. Whilst I recognise that the three storey form would not be out of keeping with the other properties in the area and the use of high quality materials, landscaping and the boundary treatment would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. I note the appellant's comments regarding the context provided in the Framework for good design and that planning decisions should not attempt to impose architectural styling and should not stifle innovation, originality or initiative in design, but I find that the proposal does not achieve the standards the Framework seeks.

18. Consequently, I consider that, whilst there would be limited harm to the wider landscape, the loss of this designated Important Local Countryside Gap and its development for housing would have a localised harmful effect on the character and appearance of the area. The development would conflict with LP Policies ST3, CP4, DM14 and DM25. These policies seek, amongst other things, to ensure that development proposals are of a high quality design that is both well sited and of a scale, design and appearance that are sympathetic and appropriate to the site and locality. The proposal also fails to protect the intrinsic value, landscaping setting, tranquillity and beauty of the countryside and would erode and undermine the function and purpose of the Important Local Countryside Gap in this location.

*Minerals safeguarding area*

19. Given the site's location within a minerals safeguarding area, the Council recommend that a minerals assessment should have been submitted with the application. Policy DM 7 of the Kent Minerals and Waste Local Plan 2016 (KMWLP) sets out the circumstances in which planning applications for non-mineral development would be acceptable within a minerals safeguarding area should be permitted.
20. The appellant has indicated that, in accordance with KMWLP Policy DM 7, the appeal site is not large enough to have a significant economic mineral value. In addition, the appellant sets out that the extraction of the minerals would not be viable or practicable either on the site or in the wider area, as it would involve the acquisition of a large number of built sites with existing value and create detrimental impacts on the surrounding uses including residential properties, a nearby listed building and country park.
21. However, I am mindful of the objections from Kent County Council, as Local Mineral and Waste Planning Authority, which makes it clear the impact of development on the mineral resources within the minerals safeguarding area should be considered as part of an application. In the absence of a minerals assessment and any convincing evidence to the contrary, there is a potential that the proposal could impact on mineral resources on the site.
22. Consequently, I conclude that the proposal would be contrary to Policy DM7 of the KMWLP, that seeks, amongst other things, to prevent the sterilisation of Kent's potentially economic mineral assets and fails to demonstrate that it meets any of the circumstances where a non-mineral development would be acceptable within a minerals safeguarding area.

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4

Appeal Decision APP/V2255/W/17/3184720

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### Other Matters

23. I have noted the other developments in the area drawn to my attention by the appellant. However, the three storey residential development located adjacent to No. 141 Marine Parade is within the built-up confines of Sheerness and has different development characteristics to the appeal scheme. The large residential development on the land at rear of Seager Road relates to a different scale and form of development and has different locational characteristics. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
24. I have considered the appellant's comments that the appeal site is brownfield. I saw from my site visit that whilst there are some permanent structures and hard surfaces, such as the existing dwelling and access road, the majority of the site is occupied by the static caravans and small grassed areas around them and as such would be excluded from the definition of Brownfield or Previously Developed Land as defined in Annex 2 of the Framework. This definition, amongst other things, specifically excludes land which is occupied by temporary structures, which is the case in this instance.
25. I have noted the Council's comments regarding the appellant's failure to submit a legal agreement to secure contributions and obligations towards health services, services/facilities provided by Kent County Council, off-site open space and strategic mitigations measures on the local Special Protection Areas and Ramsar sites in the area. However, in light of my findings on the main issues above, it is not considered necessary to look at this matter in detail, given that the proposal is unacceptable for other reasons.
26. A Grade II listed Folly building is located at the Ship-on Shore public house immediately to the west of the appeal site and the Queenborough Lines Scheduled Ancient Monument (SAM) to the south. I consider that, given the separation distance and boundary treatment between the appeal site and the listed building and SAM, the proposed development would have a neutral material impact on the setting of the listed building and SAM. The setting would therefore be preserved.
27. My attention is drawn by the appellant to the Council's Call for sites as proof of the need for additional housing in the area. However, this consultation process forms part of the Council's Local Plan evidence gathering work and as such is a matter to which I can accord limited weight in making my decision.
28. The appellant consider that the development would boost the housing supply in line with the requirements of the Framework. Whilst this may be so, based on the Council's housing supply statement<sup>1</sup> and appeal decisions<sup>2</sup> provided, the Council is able to demonstrate a five year supply of deliverable housing sites against the development plan requirement.
29. The appellant states that the proposal constitutes a sustainable form of development that would be well connected to existing services and facilities and provide some social and economic benefits through contributing to the supply and mix of housing and the local economy in the area, providing

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<sup>1</sup> Statement of Housing Land Supply 2016/17 -Partial Update December 2017

<sup>2</sup> APP/V2255/W/17/3177787 and APP/V2255/W/17/3172378

Appeal Decision APP/V2255/W/17/3184720

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construction jobs and would make efficient use of previously developed land in an accessible location.

30. However, while I note the appellant's view that the scheme's design and sustainable construction measures would amount to environmental benefits, I have found above that adverse impacts arising from the loss of a designated holiday park, together with the harm identified to the area's character and appearance, Important Local Countryside Gap and potential mineral resources, would conflict with the environmental and economic dimension of sustainable development. This harm, in my view, would be sufficient to outweigh the scheme's benefits when assessed against the policies in the development plan and the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.
31. I have noted the objections raised by the occupants of the caravan park and a local business to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

#### **Conclusion**

32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR