



The Planning Inspectorate

Appeal Decision

Site visit made on 20 November 2018

by **Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12th December 2018

Appeal Ref: APP/V2255/W/18/3200455

Pond 154m from Perrywood Place Grove Road, 153m from Unnamed Road, Grove Road, Selling ME13 9RN

- 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 B Macey against the decision of Swale Borough Council.
 - The application Ref 17/504527/FULL, dated 1 September 2017, was refused by notice dated 16 November 2017.
 - The development proposed is the storing on site of 15 storage containers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out and so I have regarded this appeal as seeking retrospective planning permission.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located on the north side of Grove Road within the Kent Downs AONB. The area is predominantly rural, with woodland and gently undulating fields either side of the road and only a scattering of properties. Buildings are typically constructed from materials such as timber and brick and utilise pitched roof designs. This includes agricultural structures such as the barn in the field to the south of the appeal site. Public footpaths cross the road and provide access to the wider countryside. Thus, the character and appearance of the area makes a positive contribution to the AONB.
5. The appeal site contains an access track from Grove Road which leads to a number of enclosures used as paddocks. The 15 metal storage containers are sited along the site's eastern boundary against a well-established row of vegetation. The positioning of the containers ensures that they are tucked to one side of the site, which limits views from the public footpath to the east, even in late autumn. The route of the public footpath to the east was not clear at my site visit, but the containers are nevertheless obscured.
6. However, standing within the appeal site, the containers present a stark contrast to the green and rural surroundings. This is due to their number but

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Appeal Decision APP/V2255/W/18/3200455

- also their appearance in terms of the use of utilitarian materials and a flat roof design. This is particularly evident when viewed from the west, where the ground rises up to a public footpath. From Grove Road, views of the containers are limited to the site entrance but it is still possible to see some of them.
7. It is not clear what additional landscaping might entail and where it might be sited. Moreover, such landscaping would not screen the containers entirely and there would likely still be views from within the site and from the site entrance on Grove Road. The removal of existing open-air storage has helped to tidy up the site over the years. Further removal of such items could occur. However, the containers remain an incongruous feature within the AONB.
 8. The appellant states that the containers are used for the storage of machinery and materials associated with his business and the management of the site. The appellant has previously suffered a number of thefts. However, it has not been adequately demonstrated why the contents could not be housed in a structure or structures with an appearance and design more sympathetic to the area. Thus, this does not outweigh the identified harm. It is apparent that the paddocks and pallet business provides some assistance to the rural economy in line with paragraphs 83 and 84 of the National Planning Policy Framework (NPPF). However, the extent of support to the local economy is not clear and so I can only give modest weight to this benefit.
 9. There is uncertainty over the lawfulness of some of the containers, which have increased in number since 2007. However, in the absence of any clear evidence, I have regarded all 15 containers as requiring planning permission. Should the appellant wish to demonstrate the lawfulness of any containers and/or land, this would need to follow a separate planning process.
 10. In conclusion, the development has a harmful effect on the character and appearance of the area with regard to the Kent Downs AONB and there are no benefits or considerations that outweigh that harm. Therefore, it does not accord with Policies CP4, CP7, DM14 and DM24 of the Swale Borough Local Plan 2017. Amongst other things, these policies require good design, appearance and details that are sympathetic and appropriate to their surroundings, with development that conserves and enhances the landscape and the special qualities and distinctive character of the AONB.
 11. The development conflicts with NPPF section 12 which seeks to achieve well-designed places, including paragraph 130 which states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area. It also conflicts with NPPF paragraph 172 which states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, and it fails to meet the environmental objective of sustainable development in NPPF paragraph 8.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR