



Appeal Decision

Site visit made on 29 January 2020

by **H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: W/4000252

Marshlands Farm, Bellever, Lower Road, Minster-On-Sea, ME12 3RT

- 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 Mrs Margaret Farr against the decision of Swale Borough Council.
 - The application Ref 18/506097/FULL, dated 22 November 2018, was refused by notice dated 30 July 2019.
 - The development proposed is replacement of existing mobile home with proposed bungalow and detached garage.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. I understand that the application was amended during the application process. For clarity the drawings on which I have based this decision are BA/18/107.01 Rev C, BA/18/107.02 Rev C, BA/18/107.03 Rev C and BA/18/107.04 Rev C that I understand were before the Council at the time they made their decision. For this reason I have also amended the description of development to remove reference to a 'chalet' bungalow as the scheme before me now is a single storey bungalow.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is outside the built up area boundary and therefore in the rural area for the purposes of the development plan. Policy DM11 of Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017 (the Local Plan) permits replacement of dwellings in the rural area where particular exceptions are met. Of relevance to this scheme is that the proposed new dwelling is of a similar size and proportion, an appropriate scale, mass and appearance in relation to the original dwelling and location.
5. The appeal site is mainly grassed land and at the time of my visit this was in use for keeping animals, along with some associated small scale structures. There was also a modest mobile home on the site. The hard surfaced access route also forms part of the appeal site. By its nature, the mobile home has a

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- temporary appearance. As such the site has an open, mainly undeveloped countryside character.
6. Nearby, Marshlands Farm includes two large commercial buildings and an associated area of hardstanding. There are also two detached dwellings with large gardens close by, with further residential development located across the roundabout junction with Lower Road and Thistle Hill Way. To the rear of the appeal site, and the wider surrounding area, is undeveloped open countryside land. Whilst there may be built development close by, due to qualities such as its location and appearance the site itself is more closely related to the surrounding open undeveloped countryside character.
 7. The erection of the proposed bungalow and detached garage along with the hardstanding and residential curtilage is domestic and urban in design and nature. The scale of the development would result in a significant amount of built form on the site. This would therefore harm the open mainly undeveloped rural character of the site and surrounding countryside area and would not be of an appropriate scale and appearance in relation to the original dwelling and location.
 8. I have taken into account that the design of the proposed dwelling would include materials and a pitched roof similar to the two nearby houses. Also that the rear building line would be close to, albeit further back from, one of these properties. However, these do not overcome my concerns relating to the erosion of the rural character and appearance of this location.
 9. It is not in dispute between the main parties that a larger mobile home could be placed on this site without the need for planning permission. It is put to me that a mobile home can be 20m in length, 6.8m wide, with an overall internal height (floor to ceiling) of 3.05m. The appellant's statement describes the size of the proposed dwelling as 17.7m x 9.2m (162.84 sqm) an eaves height of 2.8m and a ridge height of 6.1m. Therefore the proposed dwelling would be noticeably larger than the largest mobile home that could be placed on the site. Furthermore the proposed development also includes a substantial double garage. As such this matter does not overcome the harm in relation to the scale of the dwelling and overall built development proposed.
 10. I have considered that it may be possible to implement the appeal scheme and also have a mobile home on the site, which would increase the amount of development on the site and would be additionally harmful for this reason. However, it can be seen above that even without any other mobile home I find harm to the character and appearance of the area as a result of the proposed dwelling, and therefore I have not pursued this matter further in this case.
 11. Consequently the proposed development would have a harmful effect on the character and appearance of the area. As such it would be contrary to policies CP4 (Requiring good design), DM11 (Extensions to, and replacement of, dwellings in the rural area) and DM14 (General development criteria) of the Local Plan.
 12. My attention has been drawn to the advice in 'Designing an Extension A Guide for Householders, Swale Borough Council North Kent Coast'. However the development before me is for a new dwelling, not an extension. Therefore the policies above are more relevant to this main issue.

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Other Matters

13. My attention has been drawn to a decision at Breach Farm bungalow¹ and it is put to me that in this case the Council consider permitted development in their assessment of the increase in size of the dwelling. I have taken this into account, and as can be seen above I have considered the position put to me that a larger mobile home could be erected at this site.
14. I have considered that the proposed development may result in an improved standard of amenity for future occupiers due to its location further from the existing industrial buildings. However, the appeal submissions indicate that the existing noise and disturbance is not unacceptable, therefore this does not weigh strongly in favour of the development.
15. Given my conclusions in relation to the harm to the character and appearance of the area from the scale of the development as proposed, it follows that a condition which would remove permitted development rights and prevent any future extensions would not overcome any such harm.

Conclusion

16. For the reasons set out above, this appeal should be dismissed.

H Miles

INSPECTOR

¹ 18/505139/FULL