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## Appeal Decision

Hearing Held on 25 February 2020

Site visit made on 25 February 2020

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

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**Appeal Ref: APP/V2255/W/19/3219586**

**Caravan and stables, Old Billet Lane, Eastchurch, Kent ME12 4JJ**

- 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 and Mrs V and C Brown against the decision of Swale Borough Council.
  - The application Ref 18/503259/FULL, dated 18 June 2018, was refused by notice dated 14 December 2018.
  - The development proposed is the change of use of land for stationing of caravans for residential occupation with associated development (hard-standing, utility building and cess pit).
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for stationing of caravans for residential occupation with associated development (hard-standing, utility building and cess pit) at Caravan and stables, Old Billet Lane, Eastchurch, Kent ME12 4JJ in accordance with the terms of the application, Ref 18/503259/FULL, dated 18 June 2018, subject to the conditions set out in Schedule 1 of this Decision.

### Main Issues

2. The main issues in this appeal are;
  - Whether the proposal represents over-development of the site
  - Whether future residents would have acceptable access to services
  - The effects of the proposal on the character of the area
  - The effects of the proposal in relation to overlooking.

### Reasons

#### ***Whether the proposal represents over-development of the site***

3. The appeal site is an area of land which has previously been used as a detached garden area for one of the nearby residential properties. It is clear that such a use has ceased and it was confirmed at the Hearing that it has been in separate ownership for some time. The adjacent garden area to the south is used by one of the nearby cottages. These residential properties have private garden areas around the buildings. The appeal site currently accommodates a stable building and a garage which have the appearance of

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being unused. The appeal site is accessed from Plough Road by the roughly surfaced Old Billet Lane. The site is said to measure approximately 35m by 12m.

4. The proposal would relocate the existing stables building to the rear of the site and use it for storage. A static caravan would occupy the middle of the site and a utility building, parking spaces and a space for a touring caravan would sit to the front. Apart from the broad allegation of 'over-development' the Council refer to a lack of amenity space. There would be space around and between the buildings and caravans which could be used for some recreational purposes by the occupiers of the site. Whilst the Council does not employ standards for amenity space for such forms of development, they allege that the proposal would not provide sufficient space for its occupiers. The appellant confirmed that the limited space would be sufficient for their use and would be more convenient for maintenance than a larger plot. In my judgement, whilst the space could not be said to be generous, I consider that it would provide sufficient space for sitting out, clothes drying and other domestic uses. Therefore, in this respect I consider the proposal would provide a suitable environment for its future occupiers and would not amount to over-development.

***Whether future residents would have acceptable access to services***

5. The appeal site is within the countryside, outside any defined settlement. It is said to be around 2km from the village of Eastchurch and its variety of services. I accept that the nature of the road and the distance would mean that journeys from the site to these services would be unlikely to be undertaken on foot and would be most likely to involve use of a private car. However, most journeys would not be long and would be consistent with the general nature of the rural area, including those undertaken by nearby residents. In addition, the PPTS recognises that rural locations may be acceptable for such uses and the NPPF states that opportunities to maximise sustainable transport will vary between urban and rural areas. In this context, I consider that the future residents of the site would have an acceptable level of access to services and that journeys would not be unusually or unacceptably long.

***The effects of the proposal on the character of the area***

6. The site itself is not included within any specific landscape designation. The site is modest in size and would accommodate low and small-scale structures/development. I have noted the sites immediately adjacent to the appeal site and the fact that some of these accommodate garages, caravans and vehicles, as well as other structures and features. Within the wider area, caravans are numerous and it could not be argued that they and such ancillary features as are proposed would be alien to the area.
7. The site is not prominent within the wider landscape and I do not judge that the alterations to it would represent a significant change within the wider area. I accept that it can be seen from Plough Road, over the flat intervening land (although temporarily blocked when I saw the site) but it would be of a form and scale compatible with the surrounding development. As stated above, the PPTS accepts such sites within the countryside, subject to certain other considerations. Within this context, I envisage no harmful effect on the character of the locality.

***The effects of the proposal in relation to overlooking***

8. The appeal site sits adjacent to other 'detached' residential gardens, as set out above. I have noted the concerns of the Council and others in relation to the effects of the proposal on privacy when the adjacent garden is in use. Taking account of the height of the proposed development and its residential use, I consider that a suitable means of enclosure by fencing and/or landscaping would be sufficient to prevent any harmful effects in this respect. The appellant considers that fencing would be a normal feature adjacent to residential gardens and would be sufficient to prevent any effects on privacy. I agree that it would not appear unusual and would be in keeping with the largely domestic appearance of this enclave.

**Other Matters**

9. There was discussion in the evidence and also at the Hearing in relation to the need for and supply of such sites within the Borough. I have concluded that the proposal is acceptable on its own merits and would not rely on any additional weight from an argument of unmet demand. Therefore, it has not been necessary for me to examine these matters as they could only have added weight in favour of the proposal.

**Conditions**

10. I have taken account of the advice in the Planning Practice Guidance in relation to the imposition of conditions. The Council submitted a schedule of conditions which formed the basis for discussions at the Hearing. So that there is certainty over the scope and nature of the permission, I shall impose a condition which requires consistency with the approved plans. In order to limit the occupation of the site to gypsy and travellers only a suitable condition to that effect is included.
11. I have included conditions which limit the number of mobile homes, touring caravans and size of vehicles on the site so that the effects on the locality are limited to a satisfactory level. For the same reason I have imposed a condition which prevents commercial activities on the site and a condition to approve any outdoor lighting.
12. So that there is sufficient space to park vehicles and allow them to manoeuvre, I have included a condition which requires the implementation of an area for vehicles to park and turn. I have also included a condition relating to landscaping, which would help to ensure that the proposal would have an acceptable effect on the locality and ensure the privacy of neighbours. The landscaping condition includes erecting a means of enclosure around the site and I note that some fencing has been erected at the sides of the site and some form of gates at the front. Whilst I do not seek to pre-determine the judgement of the Council in relation to any submissions in this respect, it seems to me that some alterations to the frontage in particular would be required so that the effects on the locality are acceptable.

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### **Conclusions**

13. For the reasons set out above, I find no conflict with then Council's Policies ST1, ST3, CP2, DM6, DM10 and DM14 of the Swale Borough Local plan 2017 and the advice in the NPPF and PPTS. As a consequence, the appeal is allowed.

*ST Wood*

INSPECTOR

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### **APPEARANCES**

FOR THE APPELLANT:

A Heine, Planning Consultant

V Brown, Appellant

C Brown, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

R Bailey, Area Planning Officer

G Thomas, Area Planning Officer



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#### **SCHEDULE 1 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: Plan numbers 1, 2, 3 and 4.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 4) There shall be no more than 1 static caravan and 1 touring caravan stationed at the site at any one time.
- 5) No vehicle over 3.5 tonnes in weight shall be kept on the site and only one vehicle shall be kept at the site at any one time.
- 6) No commercial activities shall take place on the site, including the storage of materials.
- 7) No external lighting shall be installed at the site unless details have first been submitted to and approved in writing by the local planning authority. Any external lighting shall be installed in compliance with the approved details.
- 8) Prior to the occupation of the site, the area shown for vehicle parking and manoeuvring shall be provided and surfaced in a manner to be first agreed in writing by the local planning authority. The area shall be kept free from buildings structures or obstruction and shall be retained for the approved use only.
- 9) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of means of enclosure, hard surfacing and 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. All hard landscaping including any such means of enclosure shall be provided prior to occupation of the site in accordance with the approved details.
- 10) 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 occupation of the buildings or the completion of the development, whichever is the sooner; 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.