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## Appeal Decision

Site visit made on 20 October 2020

by **Mr Kim Bennett BSc DipTP MRTPI**

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

Decision date: 30 October 2020

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**Appeal Ref: APP/V2255/W/20/3249655**

**Churchfields, The Street, Eastling, Kent ME13 0BG**

- 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 Dr Julia Bailey against the decision of Swale Borough Council.
  - The application Ref 19/503828/FULL, dated 19 July 2019, was refused by notice dated 2 October 2019.
  - The development proposed is the conversion of existing stables into two residential apartments (in addition to two existing apartments in the building).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would be a suitable site for permanent residential accommodation having regard to proximity of services and facilities and reliance upon car based journeys.

### Reasons

3. The appeal property comprises a large barn which forms part of the complex of buildings known as Churchfields, and is located to the south of the settlement of Eastling. Adjoining it to east is a two storey residential property, owned by the applicants, with the two being linked by a single storey wing. Within the barn there are currently two self-contained apartments and a number of stables although the latter appear to be currently used for storage. To the rear of the barn is a ménage for horse training whilst to the east of the residential property is a stables complex. The property is separated from Eastling by open countryside on all sides.
4. I am advised that the barn was originally built in the 1990s and operated as an equine and holiday centre for a British Police charity. That use ceased in 2004 but the property continued to operate as a holiday centre funded by Housing Associations until funding ceased in 2008. Following that the centre continued to operate as an equine centre until 2016 when the applicants decided it was no longer viable. In 2002 planning permission was granted for 3 units of holiday accommodation for use as a children's centre, but the development was not implemented<sup>1</sup>.

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<sup>1</sup> SW/02/1137

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5. The Council's approach towards residential development in the District is set out in Policy ST1 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP). The fundamental strategy is to promote sustainable development and the policy identifies a number of objectives including supporting a prosperous rural economy, reducing levels of out-commuting and delivering a wide choice of high quality homes. The settlement strategy pursuant to that policy is set out in Policy ST3, which looks to primarily steer growth to where services, employment and transport choices are present. A hierarchical approach is adopted towards development of settlements with Eastling being included within an 'other villages' category where development is restricted within built up boundaries. The policy goes on to state that within open countryside development will not be permitted unless supported by national policy, it would contribute towards protecting or enhancing the countryside or the vitality of rural communities.
6. Although the appellant suggests the site is not in open countryside, I do not agree with that view given that it is clearly surrounded by open fields on all sides and is physically separated from the built up part of the settlement. That is reflected in it being outside of the built up area on the Proposals Map in the Local Plan. The site is thus in open countryside for planning policy purposes.
7. Whilst the settlement has some local services, including a public house, a primary school and a village hall, there are no other services that one would expect to find in a sustainable settlement such as shops, health services and other similar facilities. I note that there is a bus service which serves the village, but because of the remote rural location of Eastling and the absence of a full range of facilities, it is more than likely that future occupiers would use private transport to access larger centres such as Faversham and Sittingbourne for their daily needs, such as shopping, employment, health and leisure. That being the case, I consider that the site is fundamentally in an unsustainable location for additional permanent residential accommodation and would conflict with the primary objectives set out in Policies ST1 and ST3 above. Those policies are consistent with guidance in the National Planning Policy Framework (the Framework), which also looks to focus on development which limits the need to travel and offer a genuine choice of transport modes.
8. In the above context, I note that there is some suggestion that the current apartments may be being used for permanent accommodation already. However, the Council advises that would be contrary to the originally approved conditions. I also note that the 2002 permission restricted the use of holiday lets to a limited period. Both conditions reflect the Council's longstanding approach that the site is in an unsustainable location, not suitable for further permanent residential accommodation. I agree with that approach for the reasons set out above.
9. The Council has also drawn my attention to Policy DM3 in the LP which looks to support growth and expansion of the rural area and accordingly resists residential development where this would reduce the potential for rural employment. That is also consistent with objectives within the Framework in terms of supporting a prosperous rural economy.
10. In that respect, although the appellant argues that the previous use is no longer viable, there is no specific evidence before me to support that. Given the surrounding equine nature of the site in terms of the stables complex,

existing stables in the building and the adjacent menage, there may be scope for expansion of such facilities thus providing opportunities for the rural economy. Similarly, the previous project for holiday lets in 2002 was presumably deemed viable at the time and there is no evidence before me as to why some form of holiday let business or tourism business, either linked to an equine use or otherwise, might not be viable. I am therefore not persuaded that there are currently no alternatives to the future use of the barn other than for permanent residential accommodation.

***Planning Balance and other considerations***

11. The Council acknowledges that it currently only has a 4.6 years supply of housing which is slightly below the required 5 year housing land supply. In that situation, paragraph 11d of the Framework advises that the policies which are most important for determining the application should be regarded as out of date. In such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. In the context of sustainable development, the Framework advises that there are three overarching objectives, namely economic, social and environmental objectives. These are interdependent and mutually supportive. I acknowledge that the proposal would involve minimal external alterations, so that the external appearance would still be a building of rural character. In that respect therefore I am satisfied that there would be no harm to the immediate landscape setting or the wider Area of Outstanding Natural Beauty in which the site forms part of. Accordingly paragraph 11d would still be engaged in that respect. However, the proposal would still be contrary to wider environmental objective which looks to protect the natural environment and elsewhere in the Framework explains that decisions should recognise the intrinsic character and beauty of the countryside. In that context the cumulative impact of developing sites such as this for permanent residential accommodation would gradually erode those objectives. Additionally, it would not satisfy the social objective which looks to provide homes with accessible services. Whilst there would be a short term economic gain from construction work, it would be for a short period only and in my view carries only limited weight.
13. The proposal would provide a windfall of 2 additional housing units, albeit, that would only be a very modest contribution towards the shortfall, which in itself is only slightly below the required figure.
14. The appellant refers to the housing being available as low cost accommodation for local people. Such a proposal may well be beneficial to the local community. However, there is no evidence before me that there is a need for that accommodation in the local area, nor how any mechanism would secure that provision in perpetuity. Accordingly, I give that little weight in the context of this appeal.
15. I note that there would be opportunities for bio diversity gains and energy efficiencies, but that could be the case for any ongoing use of the building and those considerations are therefore not decisive in favour of the development.



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### **Conclusion**

16. Although the proposal itself would not harm the character and appearance of the countryside setting, and there would be limited additional benefits, they do not override the fundamental issue that the site is in a remote location with the likely result being that future occupiers would be largely reliant upon private vehicles for their daily needs. As such the location would be contrary to the adopted Development Plan policy approach towards concentrating further permanent residential development within existing settlements.
17. Even allowing for those policies not being regarded as being up to date in the context of the Framework, the development would be contrary to other important objectives within the Framework relating to promoting sustainable transport by offering a genuine choice of transport modes. In addition, the absence of any evidence in respect of alternative uses for the property which might benefit the rural economy, or that there is a need for local housing and how that would be secured, both of which are also important objectives within the Framework, also carry significant weight in my view, and more so than the other benefits that might arise.
18. In summary the wider adverse impacts of granting permission would demonstrably outweigh the benefits when assessed against policies within the Framework and the adopted Development Plan policies referred to above.
19. Accordingly, the appeal should be dismissed.

*Kim Bennett*

INSPECTOR