

3.2 REFERENCE NO - 21/504369/FULL		
APPLICATION PROPOSAL Change of use of land and the siting of 4no. specialist residential mobile homes for occupation by persons over 55 as well as associated works to provide infrastructure, access and landscaping.		
ADDRESS Land North of Warden Road Eastchurch Kent ME12 4EN		
RECOMMENDATION - Refuse planning permission		
SUMMARY OF REASONS FOR REFUSAL: 1) The site lies outside of the built-up area boundary of Eastchurch in a rural location where there is a presumption against development unless it can be demonstrated that the proposal would not have a significant adverse impact upon the character of the surrounding countryside. The development proposal is considered to result in significant harm to the character and appearance of the site, which would significantly and demonstrably outweigh the benefits of permitting the development.		
REASON FOR REFERRAL TO COMMITTEE This is an application which the Head of Planning considers raises questions of policy interpretation or unusual or difficult issues which warrant member determination, and specifically the Interim Park Homes policy adopted by Full Council as a material consideration in June 2020. .		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mrs Pearson AGENT DHA Planning
DECISION DUE DATE 26/10/21		PUBLICITY EXPIRY DATE 28/09/21

RELEVANT PLANNING HISTORY

SW/05/1043 – Residential Mobile Home – Refused on 28.09.2005

ENFORCEMENT HISTORY

ENF/06/002 - Without planning permission the material change of use of the land from agriculture to use as a caravan site involving the stationing of a caravan intended for residential use – Enforcement Notice issued.

1. DESCRIPTION OF SITE

- 1.1 The site is a grassed field located at the junction between First Avenue and Warden Road. The application states that the site is currently used as a paddock for the grazing of horses, though the land was not in such use during the site visit. The site is located on the north side of Warden Road, which is generally characterised by sporadic residential plots of varied character, interspersed with undeveloped areas of land. The large holiday park complex at Eastchurch is located further to the north east and is a

designated holiday park area in the Local Plan. However the site falls outside of this designation within an area defined as countryside. The site is located approximately 500m to the north of the defined built up area boundary of Eastchurch.

2. PROPOSAL

- 2.1 The application seeks permission for a change of use of the land for the siting of four specialist residential mobile homes for occupation by individuals over-55yrs as well as works to create associated infrastructure, road access and landscaping. The units are described in the application material as being “Park Homes” and would be manufactured to an enhanced standard to be suitable for year-round living. The drawings show that each unit would typically provide 2 bedrooms. The application sets out that the units would be restricted to occupation by persons over 55 years of age.

3. PLANNING CONSTRAINTS

- 3.1 Enforcement Notice ENF/06/002
SSSI Impact Risk Zones
Agricultural Land Classification Grade 3
Great Crested Newt Risk Zone - Amber

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:
- | | |
|------|--|
| ST1 | Delivering sustainable development in Swale |
| ST3 | The Swale Settlement Strategy |
| ST6 | The Isle of Sheppey Area Strategy |
| CP2 | Promoting sustainable transport |
| CP3 | Delivering a wide choice of high-quality homes |
| CP4 | Requiring good design |
| DM7 | Vehicle parking |
| DM9 | Rural Exceptions Housing |
| DM14 | General development criteria |
| DM19 | Sustainable design and construction |
| DM24 | Conserving and enhancing valued landscapes |
| DM26 | Rural Lanes |
| DM28 | Biodiversity and Geological Conservation |
| DM31 | Agricultural Land |

- 4.3 Swale Borough Council Parking Standards 2020
- 4.4 Swale Landscape Character and Biodiversity Appraisal SPD
- 4.5 The SBC Interim Planning Policy Statement for park home sites was adopted as a material planning consideration by full council in June 2020

5. LOCAL REPRESENTATIONS

- 5.1 No representations have been received.

6. CONSULTATIONS

- 6.1 **Eastchurch Parish Council** – Object to the proposal on the following grounds: *‘The proposed development would represent unjustified and unnecessary development within the countryside, and outside of the defined built-up area boundary, in an area not allocated for the creation and/or expansion of caravan parks, and this would give rise to harm to the character, appearance, undeveloped nature and intrinsic amenity value of the countryside. The proposal is therefore contrary to policies ST3, CP1, DM3 and DM4 of the adopted Swale Borough Local Plan 2017; and the National Planning Policy Framework.’*
- 6.2 **Natural England** – The application will result in a net increase in residential accommodation which is likely to impact the coastal Special Protection Area(s) and Ramsar Site(s) due to increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed (due to the recent ‘People Over Wind’ Ruling)
- 6.3 **Kent County Council Highways Team** – No objection, subject to visibility splays being maintained via condition.

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application includes proposed plans and a Planning Statement.

8. APPRAISAL

Principle of Development

- 8.1 Policy ST3 of the Swale Local Plan 2017 states that development will not be permitted on countryside land which falls outside of the defined built-up area boundaries unless the development proposal is supported by national policy and the development would contribute to protecting and enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities.
- 8.2 The proposed development site lies approximately 500 metres outside of the built-up area boundary of Eastchurch village. In this location, the principle of development is not generally supported as the land in this location is considered to form part of the open countryside. Sustainable development is only supported in designated open countryside where it is essential and it is consistent with the primary policy objective set out in Policy ST3, namely protecting and enhancing the countryside.
- 8.3 Members will be aware that the Council cannot currently demonstrate a 5-year housing supply. The current published supply figure is 4.6 years. Paragraph 11(d) of the NPPF states that where policies most important for determining the application are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. This is commonly referred to as the “tilted balance”, and I come back to this later in my report.

Character and appearance

- 8.4 The site is not within a designated landscape. However it is within an area characterised by loose-knit development within otherwise open countryside. Although development becomes more consolidated further to the north on First Avenue, or further to the north east on Warden Road (where it falls within the defined holiday park designation), I am of the opinion that the application site and surrounding area displays strong rural characteristics and where undeveloped open countryside prevails. The Swale Landscape Character and Biodiversity Appraisal SPD, states that the site falls within the Minster and Warden Farmlands character area, an area of moderate sensitivity. The site is an undeveloped field that appears to have been used as a paddock and it is clear from any built form. The site is rural and undeveloped in character and it is visually separated from both the nearby static caravan parks within the area designated as a holiday park, and is distinctly separate from the village of Eastchurch, such that it cannot be considered a natural extension to the village.
- 8.5 It has been acknowledged by the applicant that the principle of development in this location is contrary to the local plan policies. However, the planning statement supports the contention that, notwithstanding the conflict with local plan policies, the harm caused by development proposal in terms of its effect on the character and appearance of the countryside is limited. The applicant also refers to some council and appeal decisions in taking this position, which are considered further below.
- 8.6 With regard to the application approved by the Council under 20/501183 for 36 park homes at Otterham Quay, this site was in lawful use as a caravan storage area and was largely laid to hardstanding for such purposes. The 36 units proposed was a much smaller number than the caravan storage operation, and the effect of this proposal on rural character was deemed to be beneficial and acceptable compared to the existing use. This is materially different to the application site, which is undeveloped.
- 8.7 In the case of Stanbourne House, Church Road (ref 19/503696), this site is located within the residential area to the south of Eastchurch and north of the prison complex. In allowing the appeal for a single dwelling, the Inspector took the view that the site had a domestic appearance and was surrounded by houses on three sides within a cluster of other dwellings. Likewise, 9-10 Range Road (19/502757) is within the same complex and the Inspector considered that the area around the site had a more developed character and would not adversely harm the countryside. I consider these cases to be materially different to the application site and surroundings, which I consider to be of much stronger rural character where built form would have greater harmful impacts. Furthermore, I note that an Inspector upheld the Council's decision to refuse 2 dwellings on land adjacent to The Sherries, Church Road (ref 19/503253), on the basis that although this site was on the edge of the cluster of residential development by the prison complex, it displayed greater rural characteristics, and that residential development would significantly harm rural character and appearance in this area.
- 8.8 I also note that the proposal is for the stationing of mobile units, rather than dwellings. Nonetheless, I consider the mobile units to be of similar form and appearance to a bungalow, and the stationing of such units would significantly alter the character and appearance of the site as an undeveloped field.

- 8.9 Overall, I am of the opinion that the development would have a harmful urbanising impact on the site and would have a significant adverse impact upon the character and appearance of the countryside, in an area of strong rural character, and where policies seek to protect the character and appearance of the countryside. This would be contrary to policies ST3, ST6 and DM14 of the Local Plan and the NPPF.

Sustainability

- 8.10 The site is located outside of the established settlement boundary, and approximately 500 metres from village confines of Eastchurch, which is designated as a rural local service centre. I note that the village can be accessed from the site via a continuous pedestrian walkway on Warden Road. The site also lies immediately opposite a bus stop on Warden Road which provides access to Warden, Eastchurch, Minster and Sheerness on an hourly basis from Mondays–Saturdays.
- 8.11 Whilst the proposed site is located outside of the built-up area boundary, taking into account that a safe access to the village is available and the appeal decisions referred to above, where Inspectors have considered comparable locations not to be “isolated” from services and facilities, it is accepted that the site is not so isolated in a way which might be considered unsustainable.

Housing need

- 8.12 In addition to the general lack of housing supply, the application sets out that the four units would provide accommodation for occupation by over-55s, and that this would meet a growing need and demand for older persons accommodation. The units are more affordable and provide single storey accommodation that is accessible and adaptable for those with mobility needs. Subject to compliance with British Standards, park home units can be designed to be suitable for year-round residential use, with greater thermal standards and layouts than “conventional” mobile homes.
- 8.13 Policy CP3 of the Local Plan seeks to provide different housing to meet the needs of the Borough. It is clear that there is a need for elderly persons accommodation in general to meet the growing demand by this sector of the population, and I am satisfied that the enhanced “park home” specifications can provide suitable year-round living accommodation.

Neighbouring amenity

- 8.14 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.
- 8.15 In this case, by virtue of the siting and scale of the proposed park home units, they will not overshadow the neighbouring units or impact neighbouring outlook. With regards to neighbouring privacy, owing to the single storey nature of the dwellings, the existing

verdant boundary treatments, and the distance of the units from the nearest neighbouring houses, a loss of privacy should not occur.

Parking / highways

- 8.16 Policy DM26 of the Swale Local Plan 2017 states that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with Kent County Council vehicle parking standards.
- 8.17 Four residential units are proposed on the site and there is sufficient space for two allocated parking spaces per unit. The number of allocated park spaces are sufficient to meet KCC parking requirements.
- 8.18 It is acknowledged that the development will result in an increase in the number of vehicle movements along the road. However, I do not consider the impact of the vehicle movements are likely to have a significant impact upon the character of the rural lane, noting that the age-restriction would likely reduce the number of vehicle movements as well. Site access visibility is acceptable, and no objections are raised by KCC Highways.

Biodiversity

- 8.19 Policy DM28 of the Swale Local Plan 2017 states that any new proposed development should conserve, enhance, and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 8.20 In this case, the site is an existing field enclosed by hedgerows. The block plan provided indicates that the existing hedgerows are to be retained but the use, together with various hard and soft landscaping proposals will impact the nature of the site.
- 8.21 I have consulted with Natural England who have raised no objection to the proposed scheme. However, to ensure a net gain of biodiversity on the site, compensatory measures to encourage local biodiversity should be encouraged. These measures could be secured via condition. Further comments are also awaited from the KCC Ecologist and Members will be updated prior to the committee meeting.
- 8.22 The site lies within 6km of the Swale SPA and a contribution is required to mitigate against the potential impacts of the development upon that protected area in accordance with the Council's standing agreement with Natural England. The SAMMS payment is currently calculated at £253.83 per dwelling. This payment would be required if the scheme was deemed to be acceptable, and the agent has indicated that this is acceptable to their client. Nonetheless, this has not been secured to date given that my recommendation is to refuse permission.

Interim Park Homes Policy

- 8.23 On 17 June 2020 the Council considered a report and resolved to approve an "interim planning policy statement for park home sites". This resolution provides a strong indication of the Council's preferred direction in relation to applications for residential

park homes in the borough but in planning terms can only be given negligible weight, as it has not been through the required consultation and examination process, and a policy cannot be adopted outside of the Local Plan process.

- 8.24 The reports set out criteria against which such proposals would be considered, and which include that the site is sustainably located, not subject to flood risk; that units comply with higher British Standards of construction and layout and accord with lifetime homes criteria, that the site is not within a coastal erosion area, and that site layout is acceptable.
- 8.25 The application does not directly conflict with any of the above criteria. However, given that negligible weight can be given to the Interim Policy, and that I have found significant conflict with adopted local plan policies and the NPPF (which carries significant weight), it is considered that the proposal should be determined in accordance with these local and national policies.

9. CONCLUSION AND FINAL BALANCING

- 9.1 I have considered the content of the applicant's supporting statement. Whilst it is acknowledged that the tilted balance is engaged owing to the lack of a 5-year housing supply and the development proposal would help to increase the housing supply in the area in a modest sense, the development proposal would have an adverse impact upon the rural character and appearance of the area and would not contribute towards protecting and enhancing the intrinsic value, landscape setting, tranquillity, and beauty of the countryside. This harm is considered to be significant.
- 9.2 The NPPF supports the continued provision of local housing supply and the three strands of sustainable development. In this case, the proposal would have small positive benefits to the local economy by providing employment during construction and additional spending from the new households formed. It would have social benefits through the provision of older persons accommodation that is more affordable than conventional housing and I give this moderate weight, taking into account that such accommodation could be provided in other more suitable locations. However, it would result in harmful environmental impacts due to its rural location away from any defined settlement and resultant adverse impact upon the character and appearance of the countryside, to which I give significant weight. The benefits in this case are significantly and demonstrably outweighed by the harm to the character and appearance of the countryside. The application is therefore considered to be contrary to policies ST1, ST3, ST6 and DM14 of the Swale Local Plan 2017, and contrary to paragraph 11 of the National Planning Policy Framework.

10. RECOMMENDATION

REFUSE for the following reasons:

- (1) The site lies outside of the built-up area boundary of Eastchurch in a rural location where there is a presumption against development unless it can be demonstrated that the proposal would not have a significant adverse impact upon the character of the surrounding countryside. The development proposal is considered to result in significant harm to the rural character and appearance of

the site and surrounding area, contrary to Policies ST1, ST3, ST6 and DM14 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017, and the National Planning Policy Framework. This harm significantly and demonstrably outweighs the benefits of the proposal.

- (2) The proposed development will create potential for recreational disturbance to the Swale Special Protection Area. The application submission does not include an appropriate financial contribution towards the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS), or the means of securing such a contribution, and therefore fails to provide adequate mitigation against that potential harm. The development would therefore affect the integrity of this designated European site, and would be contrary to the aims of policies ST1, CP7, DM14, and DM28 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017; and the National Planning Policy Framework.

INFORMATIVES

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

