



Appeal Decision

Site visit made on 15 February 2022

by **D Szymanski BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/V2255/W/21/3274235

Rides House Farm, Warden Road, Eastchurch ME12 4HA

- 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 Love against the decision of Swale Borough Council.
 - The application Ref 21/500005/FULL, dated 11 December 2020, was refused by notice dated 22 April 2021.
 - The development proposed is Change of use of land for stationing of holiday caravans.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above from the planning application form does not specify the number of caravans to be stationed at the appeal site. I have assessed the appeal on the basis it would be up to 15, as set out in the appellant's appeal statement and Council's decision notice.
3. At my visit, the layout differed from that on the existing plan/drawing in respect of the access road alignment to the southeast of the site and the number of bays on its eastern side. However, the development before me is what is expressed in the existing and proposed plans/drawings and my assessment is made on this basis.
4. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the Appellant the opportunity to comment upon the implications of this for their cases.

Main Issues

5. The main issues are:
 - whether or not the development would be in a suitable location having regard to policies for the location of development;
 - the effect of the development upon the countryside; and,
 - whether or not the development would be compliant with policies for development affecting agricultural land.

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Reasons

Location

6. The appeal site is outside the limits to development of any settlement. Being in the open countryside it is within the 6th and final tier in the settlement hierarchy referred to by Policy ST3 of the Swale Borough Local Plan (2017) (the LP). Development will not be permitted, unless supported by national planning policy and it can demonstrate it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities. Therefore, a development must meet both requirements of the policy.
7. To be supported by national planning policy paragraph 4.3.17 of the LP explains applications should be accompanied by evidence to show how it will support the viability of existing services and/or how it will bring new services to the community. The Council's Cultural and Leisure adviser suggests the development would have some benefits to nearby facilities. Paragraph 7.1.23 of the LP acknowledges holiday parks provide direct employment, and their users support shops, pubs, restaurants, and visitor attractions. This development would meet some of the broad policy objectives of CP1, DM3, ST3 and ST6 of the LP and paragraph 84a) of the Framework. However, little substantive evidence has been provided by the appellant of its practical effects in this regard. Given the scale and nature of the development, it is likely the support would be limited.
8. Policy DM3 of the LP supports the sustainable growth and expansion of rural businesses. This is provided amongst other things, the design and layout is sympathetic to the rural location, it is in appropriate locations where identified needs are not being met by existing facilities, or, where able to increase facilities available to local communities and visitors, and, proposals are in accordance with Policy DM4.
9. The supporting text to Policy DM4 (para 7.1.25) explains given the scale of existing caravan and chalet provision on the Isle of Sheppey and the contribution to the poor condition and appearance of landscapes, the LP does not allocate any new sites for such development. It explains the expansion of existing sites outside the defined holiday areas will also not be permitted due to the likely landscape and visual impacts.
10. It is not clear that other previously developed sites have been considered as sought by DM3 1)b). Even if it had, the evidence provided does not identify needs not met by existing facilities in the locality, as expected by DM3 2)b). The text at paragraph 7.1.25 of the LP suggests to the contrary on Sheppey. While there may be some limited support to existing services, it is not demonstrated this development would increase facilities available to local communities as well as visitors sought by DM3 2)b).
11. Part 3. of DM4 states permission will be granted for new or improved facilities within areas shown on the proposals map provided they meet certain criteria. Section 3 is not only restricted to static caravans and chalets. While part of the appeal site is occupied by surfaces for the stationing of up to 5 touring caravans under a licence obtained via the Caravan and Motorhome Club, the site is not included on the proposals map. Therefore, the development also conflicts with this aspect of Policy DM4.

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12. For the reasons set out above, given the benefits visitors would bring in supporting services, facilities and tourism assets, the proposal gains support from some objectives and criteria in Policies ST3, CP1 and DM3 of the LP and the Framework. However, it conflicts with the strategy for and would not be in a suitable location having regard to policies for such development, in conflict with Policy DM3 and DM4 as a whole, the relevant provisions of which I have set out above. The broad support from the other aspects of policies, does not overcome the conflict identified.
13. In a similar manner to Policy ST3, paragraph 84c) of the Framework states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Therefore, my findings in respect of meeting that aspect of ST3 and paragraph 84c) will be dependent upon my findings in respect of character and appearance.

Countryside

14. The appeal site is a landscaped grassland field bound by trees and hedgerows, with a limited part occupied by an access road and standing areas for up to 5 touring caravans. To the south it adjoins a yard area with a small number of caravans, mobile homes, and buildings. Outside the western boundary are some buildings and structures that appear to be in an equine related use. The other boundaries are lined and surrounded by hedgerows, trees, forested areas, and fields. The largely open, landscaped and mostly undeveloped composition within well vegetated boundaries results in the appeal site making a positive contribution to the countryside.
15. The development would significantly increase the extent of access tracks and standing areas, which would be positioned around much of three of the appeal site sides, significantly beyond that existing. The increased extent of development would result in a greater amount and intensity north of and away from Warden Road. This would intensify development at odds with the majority of the existing pattern of development which comprises a broadly linear pattern relatively close to highways such as Warden Road and Sixth Avenue, with only occasional rural buildings viewed much further away from roads.
16. The ground level of the stationing areas means they would have relatively limited discernibility from outside the appeal site boundary. However, associated with them would be the stationing of additional caravans or motor homes, together with some motor vehicles, and paraphernalia such as awnings, chairs, fuel cylinders and bins. There would also be a significant increase in associated comings and goings, as well as leisure activities taking place on the site such as playing games, sitting outside, and preparing meals.
17. The use may be seasonal and not all plots may be occupied. Notwithstanding the existing plots, the appeal site surrounds, and some larger parks in the wider area, this proposal would significantly develop and urbanise the appeal site resulting in an inherently harmful and unsympathetic incursion of development into open countryside. Seasonal use means the harm would be more limited out of season and further landscaping once mature, could limit the visibility of the development in time. However, it would not fully mitigate or overcome the significantly harmful effects to the intrinsic value, landscape setting and tranquillity of the countryside. For these reasons, I cannot agree

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the proposal would meet all the expectations of the design-related policies referred to, before me.

18. As well as visibility from within the appeal, the development would be particularly visible from outside the appeal site from the south, including parts of Warden Road and small number of buildings. If the retention of other perimeter landscaping and new landscaping was secured, the visibility from the north and east would be more limited. However, based upon the evidence before me, I am not persuaded landscape retention, new landscaping and other planning conditions could mitigate the harmful effects upon the countryside.
19. For the reasons set out above the proposed development would be significantly harmful to the countryside. It would conflict with Policies ST3 and CP1 of the LP which expect proposals to demonstrate that they would contribute to safeguarding and protecting the intrinsic value, landscape setting, tranquillity, beauty of, and be sympathetic, to the countryside. It would also conflict with paragraph 84 of the Framework which amongst other things seeks to ensure that development respects the character of the countryside.

Agriculture

20. The appeal site would be accessed via what I understand to be a recently constructed access, permitted by 19/503100/FULL to provide access to modern agricultural machinery to land to the north. The proposed layout does not block the access gate to the northwest. Although it proposes a caravan stationing area where the track leads to a compound area to the northeast.
21. Being a proposal for up to 15 caravans, I see no reason why within the scope of this scheme, a suitably worded planning condition could not ensure a layout that would retain suitable access to fields and land to the north and east. It seems highly unlikely that access by agricultural machinery would be so frequent, it would cause a conflict along the limited section of access track with tourers and vehicles accessing or leaving the plots. For these reasons the development would not result in an accumulated significant loss of high quality agricultural land to the north or be harmful to viability of the holding.
22. For the reasons set out above the development would not conflict with the aims of Policy DM31 of the LP for the development of agricultural land. This states that development will not be permitted where it would result in the remainder of the agricultural holding becoming unviable or lead to the likely accumulated significant loss of high quality agricultural land.

Other Matters

23. The appeal site is within 6km Zone of Influence (ZoI) of the Swale Special Protection Area and Ramsar Site (the SPA). The Conservation of Habitats and Species Regulations 2017 (as amended) requires where a project is likely to result in a significant effect on a European site, the competent authority is required to make an Appropriate Assessment of the implications on the integrity of the site. If constructed, the development would create spaces for caravans occupied by visitors, thereby increasing the number visitors staying within the ZoI for recreational purposes.
24. I am advised that no contribution has been made and secured against this scheme by means of a planning obligation, to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) to

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mitigate the effects upon the SPA. Even if mitigation had been secured against this appeal scheme by an obligation or it were demonstrated it would be possible via a condition securing an obligation, the evidence suggests contributions towards the SAMMS are necessary to mitigate the impacts of this development. As such it is not put to me that the contribution would result in an overall net benefit to the SPA and its conservation objectives, that would weigh in favour of the development. Therefore, as I am dismissing this appeal for other substantive reasons, it is not necessary for me to consider this matter in detail.

25. The Council's Flood and Water Management section recommended the application should not be determined due to insufficient information in respect of a surface water drainage strategy. However, as I am dismissing this appeal for other reasons I have not considered this matter further.

Planning Balance

26. The development would provide a small temporary economic benefit during construction. Once complete it would provide a benefit to the local economy and society through increased spend by visitors in local services, facilities, and attractions, and would support the vitality of rural communities. However, in light of any substantive evidence to the contrary this would only be a limited benefit. The limited evidence suggests that ecological and landscape enhancements secured by a suitably worded planning condition would be limited. Overall, the benefits of the development are attributed limited weight in favour of the scheme.
27. If I were to agree the development would be or could be made compliant with policies in respect of matters such as access, parking, highway safety, surface water drainage, and the living conditions of neighbouring occupiers, these would all be neutral matters in the planning balance. Compliance with policies for the development of agricultural land are a neutral matter in the balance. If the development were to have provided mitigation for the SPA in accordance with the SAMMS, this would also be a neutral matter.
28. However, the proposal conflicts with development plan policies for the location of development and would result in a significantly harmful effect upon the countryside. The policy conflicts and harm from the development is such that it attracts significant weight against the scheme, significantly outweighing the benefits of the development. Therefore, the appeal should not succeed.

Conclusion

29. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR