



The Planning Inspectorate

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## Appeal Decision

Site visit made on 19 January 2023

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

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**Appeal Ref: APP/V2255/D/22/3307399**

**Cripps Farm, Plough Road, Eastchurch ME12 4JH**

- 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 David Buckley, against the decision of Swale Borough Council.
  - The application Ref 19/503511/FULL, dated 6 July 2019, was refused by notice dated 2 August 2022.
  - The development proposed is described on the planning application form as "Retrospective planning for new front wall with driveway access from main highway (Plough Road)".
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue in this appeal is the effect on the streetscene and the character and appearance of the locality.

### Reasons

3. The appeal concerns a dwelling where a wall has been erected along the front and side of the plot, as well as to either side of the drive. Despite the development having already been built, I must nevertheless consider this appeal strictly on its own planning merits. There is a housing estate to the south of Plough Road and facing onto the northern side of the road is a small group of three dwellings, including that at the appeal site. There are also caravan parks in the wider area.
4. The part of Plough Road in which the appeal site is located has no footways or streetlights. The housing to the south is reasonably well screened from the road by vegetation. The Appellant refers to paling fences and hedges at the two adjacent dwellings. In my experience the former tends to be found in rural locations. Even though manicured, the hedges reflect the verdant nature of Plough Road nearby arising from the fairly extensive vegetation both alongside the road and further back.
5. Other means of enclosure include post and rail fencing and post and wire, which have a fairly open character due to the gaps between posts and also tend to be found in rural locations. Including a wooded area to the south-east there are also relatively extensive areas of open and undeveloped countryside that can be seen from the road. This includes that to the front of the caravan

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Appeal Decision APP/V2255/D/22/3307399

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- park to the east of the appeal site. As a result of this the caravans are set back a significant distance from Plough Road.
6. Due to factors such as these, Plough Road in the vicinity of Cripps Farm has a fairly strong and attractive rural character despite the sites referred to by the Appellant. Moreover, the Council points out that in terms of the Local Plan the appeal site is in the countryside.
  7. Given the characteristic frontage vegetation and typically rural boundary treatments nearby, the wall at the appeal site is a particularly unusual and incongruous feature. Moreover, its height is significant, rising from 2 to 3.5 metres from east to west, according to the Council. Apart from the drive, it extends across the frontage of the associated dwelling, so that it is also relatively lengthy. It is therefore a fairly substantial feature, resulting in it appearing overly dominant from the road, while also being unacceptably at odds with the general nature of the boundary treatments found nearby.
  8. I have considered the planting proposed to the front of the wall and behind sleepers. I saw at my site visit that the space available for this is fairly restricted. In any event, the vegetation could die or be removed and it is likely that the wall would be an appreciably longer lasting feature of the locality. Furthermore, the Highways consultee has advised that the height of the planting should not exceed 1.05 metres in order to ensure adequate visibility for drivers moving onto the road from the new driveway.
  9. Because of this the planting would be significantly lower than the wall, while also having relatively limited depth available for it. In consequence, it would not provide any meaningful screening or appropriately mitigate the impact of the wall. Despite the proposed landscaping the wall would still be a visually obtrusive feature that detracts from and fails to harmonise with the countryside setting.
  10. When approaching from the west the wall is not seen until it has almost been reached and to the other side it can be seen from a modestly further back distance. Nevertheless, it is readily visible directly in front for its whole length. From here the adverse visual impact on the streetscene is readily appreciated. In consequence, the lack of longer distance views would not be a sound reason to accept such a prominent roadside development.
  11. Due to the above factors, it is concluded that the streetscene and the character and appearance of the locality have been harmed. Policy DM 11 of Bearing Fruits 2031: The Swale Borough Local Plan (LP) July 2017 is concerned with the extension and replacement of dwellings, neither of which is proposed in this case. However, there is conflict with LP Policies ST 3, CP 4 and DM 14 which are relevant in this instance. Taken together and among other things, these intend that development should reflect the positive characteristics and features of the locality, have an appearance and height that are appropriate to the location, promote and reinforce local distinctiveness and protect the intrinsic beauty of the countryside.
  12. It is suggested that the Council has not strictly applied its policies to protect the rural character of Plough Road. However, I have not been provided with the full details and background to any cases so that there is no meaningful evidence to support this claim. The Appellant refers to the need for a retaining wall. However, there is no technical evidence on this matter from a suitably

Appeal Decision APP/V2255/D/22/3307399

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qualified engineer. In any event, this has been achieved at the unacceptable expense of the quality of the environment in Plough Road.

13. I conclude that none of the above considerations, including all other matters raised, are sufficient to outweigh the harm that has been caused. It is therefore determined that the appeal fails.

*M Evans*

INSPECTOR