



Appeal Decision

Site visit made on 7 February 2023

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/V2255/W/21/3286633

My Retreat, Norman Road, Eastchurch, Sheppey, Kent ME12 4EU

- 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 James Bird against the decision of Swale Borough Council.
 - The application Ref 20/505789/FULL, dated 18 November 2020, was refused by notice dated 4 May 2021.
 - The development proposed is described on the application form as 'the siting of one static caravan on land owned by the applicant. Removal of second static caravan.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the use of land for the permanent siting of 1 static caravan for residential use. The Council dealt with the proposal on this basis and so shall I.
3. Having visited the site, I observed that the caravan was in-situ. Therefore, the development applied for has commenced. I have determined the appeal on this basis.
4. The proposal before me follows the refusal of a previous application and the subsequent dismissal of a related appeal under reference APP/V2255/W/19/3243925. That appeal scheme also proposed the use of the land for the siting of a caravan for residential use. It was dismissed on the grounds that the site would not provide a suitable location for the development having regard to the character and appearance of the area and accessibility of employment and services.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the development, having particular regard to the character and appearance of the site and the surrounding area and the accessibility of employment and services; and
 - whether other considerations, including the personal circumstances of the appellant, would outweigh any harm and indicate that planning permission should be granted.

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Reasons

Appropriateness of location – services and facilities

6. The appeal site lies in the open countryside outside any defined settlement boundaries. Nevertheless, there are occasional dwellings and buildings within the surrounding area, including holiday parks.
7. The nearest settlements to the site are Eastchurch and Warden, each located several miles away from the site. Eastchurch, in particular, contains a reasonable number of facilities including a village hall, public houses, a school and shops. Whilst I accept that the distance between neighbouring properties and those settlements is similar to that of the appeal site, to reach Eastchurch by foot or cycle, individuals would need to proceed along Norman Road, a private unmade road, and Warden Road, a narrow lane with limited stretches of footway, no substantial verge or street lighting.
8. These routes are unsatisfactory, and would be particularly undesirable in winter months, after dusk or during inclement weather conditions. Moreover, the nearest bus stop is accessed along those same unsatisfactory routes.
9. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwelling would be highly reliant on the use of private vehicles to access most services and facilities due to a lack of satisfactory cycling and walking routes or convenient public transport facilities. This would inevitably result in an increase in emissions and therefore environmental harm.
10. For the above reasons, I conclude that the appeal site forms an inappropriate location for the development, contrary to the relevant provisions of Policies ST1, ST3, CP2 and DM14 of the Swale Local Plan (LP, 2017). These policies, when taken as a whole, seek to deliver sustainable development in appropriate places and to minimise the need to travel for employment and services, as well as to facilitate sustainable transport.

Appropriateness of Location – character and appearance

11. The appeal site forms a grassed parcel of land adjacent to Norman Road. It is bounded by mature vegetation along its boundary with Norman Road and Barbara Crest. Fences exist along the remainder of boundaries.
12. Despite scattered buildings, and the existence of some moderately sized holiday parks, the area is generally formed of open fields and mature landscaping. These features contribute to a rural and verdant character.
13. The site, and residential purposes, are only partially visible from Norman Road between gaps in landscaping. However, they are highly visible from the site entrance and from neighbouring properties. Also visible is the domestic paraphernalia associated with the residential use of the site, including a post box, name plate and parked vehicles. These features all contribute to the creation of a domestic setting, eroding the rural character of the site and surrounding area. This has a harmful urbanising effect.
14. I note the presence of other developments along Norman Road, including the existence of other caravans. However, I have no details of their planning

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context or status. In any case, I have assessed the development on its own individual circumstances and my observations on site.

15. For these reasons, I conclude that the development causes significant harm to the character and appearance of the countryside, contrary to the relevant provisions of LP Policies ST1, ST3 and DM14. These policies, when taken as a whole, aim to deliver sustainable development in appropriate places and seek to protect the intrinsic value, landscape setting, tranquillity and beauty of the countryside. This is in a similar vein to the objectives of paragraph 174 of the Framework in respect of recognising the character and beauty of the countryside.

Other considerations

16. Even in an area with an acknowledged lack of 5-year supply of housing (4.6 years), the proposal for the residential use of the land for a single unit would only provide a very limited contribution to the housing supply in the district. I therefore afford this consideration only limited weight.
17. As was the case under the previous appeal, I am provided with evidence setting out the appellant's personal circumstances and that the original siting of the caravan on the land was necessary to avoid the appellant becoming homeless.
18. I have had regard to Article 8 of the Human Rights Act 1988 as the dismissal of this appeal may lead to the removal of the caravan from the appeal site. This has the potential to impact on the housing needs of the appellant, specifically in that they could become homeless. The previous Inspector set out that interference with the rights of the appellant would be in accordance with the law and in pursuance of a well-established and legitimate aim of managing development in the interests of sustainability. There is no substantive evidence before me in this particular case that leads me to an alternative conclusion in this respect.
19. I have no doubt that the appellant has faced very difficult circumstances in the events leading to this appeal, and in their desire to retain the caravan on the site. However, I have been presented with no substantive evidence that demonstrates that no other form of accommodation would be obtainable, that other options have been fully explored or that the appellant would otherwise become homeless. Moreover, and as was the case under the previous appeal, I have no evidence to demonstrate that children reside at the appeal site or that the appellant or other occupants are subject to specific requirements with regard to accommodation. Therefore, I can attach only limited weight to the appellant's personal circumstances.
20. Accordingly, I conclude that dismissing the appeal would be necessary and proportionate action and the approach taken by the Council is not reason to allow the appeal.

Other Matters

21. My attention has been drawn to neighbouring sites, which includes the siting of caravans, a dropped kerb and a large extension. These are alleged not to have planning permission. My assessment is based on the plans before me and the individual circumstances of the appeal site. Any works carried out not in

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accordance with those plans, either on the site or near it, would be a matter between the Council and appellant.

22. I acknowledge that the site is connected to utilities, is served by rubbish collection and pays Council Tax. However, these matters are not in dispute between the Council and appellant and I have no reason to find differently. Nevertheless, this does not overcome or outweigh the harm identified above.
23. The site is within 6km of the Swale Special Protection Area and Ramsar Site. Therefore, a financial contribution towards mitigation measures is required. I note the appellant's willingness to secure a planning obligation, however no such obligation is before me. Habitats Regulations 63(1) states that a competent authority before deciding to give consent must make an appropriate assessment of the implications of the plan or project for that site. Given my reasoning in respect of the main issues and that the appeal is dismissed, there is no requirement upon me to consider such matters any further.

Planning Balance and conclusion

24. I have had regard to the public benefits of the scheme and the personal circumstances of the appellant, including the potential consequences of the appeal being dismissed in relation to the Human Rights Act 1988.
25. Nevertheless, the development plan and Framework are clear that development must protect the intrinsic character and beauty of the countryside and be sustainably located. As explained above, I have identified substantial harm in those respects.
26. Overall, the harm that has been identified in respect of the sustainability of the site and the effect on the character and appearance of the countryside significantly and demonstrably outweighs the limited public benefits of the development. Moreover, I conclude that the interface with the human rights of the appellant is proportionate and necessary.
27. Overall, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

A Price

INSPECTOR