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## Appeal Decision

Site visit made on 20 November 2024

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

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**Appeal Ref: APP/V2255/W/24/3341202**

**Little's Manor Oast, North Street, Sheldwich, Faversham ME13 0LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Pearson against the decision of Swale Borough Council.
  - The application Ref is 23/505549/FULL.
  - The development proposed is erection of a new build holiday let accommodation with associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The second reason for refusal related to the failure to make a mitigatory financial contribution towards the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS). The Council have now confirmed that a direct payment has been made which addresses this reason for refusal.
3. As such the remaining main issue is whether the development would be suitably located with regard to its accessibility to services and facilities.

### Reasons

4. The appeal site is located at the end of a long access track and accommodates the main dwelling at Little's Manor Oast and its substantial garden. A public footpath also runs along this access. The access joins the main road, identified as Ashford Road on the plans, amongst a cluster of houses known as North Street. The site is outside any identified settlement with a built-up area boundary and so for the purposes of planning policy the site is considered to be in open countryside.
5. Furthermore, the collection of houses comprising North Street is also outside any area with a built-up boundary. Indeed it is understood that the nearest settlement with a built-up area boundary is Sheldwich Lees which is around 2km from the site. There is a very limited range of facilities in Sheldwich Lees comprising little more than a school, a church and a village hall. It is highly likely, therefore, that any occupiers of the proposed holiday accommodation would be reliant on their own cars to access even basic services or facilities.
6. The explanatory text to policy ST3 of the Swale Borough Local Plan (2017) sets out the principle of steering growth to the larger settlements where

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services are present and not the smaller settlements with poorer access to services by sustainable modes of transport. The policy itself says that development will not be permitted in the open countryside unless supported by national policy.

7. Paragraph 88 of the National Planning Policy Framework (the 'Framework') generally supports the rural economy and paragraph 89 sets out that sites to meet local business and community needs in rural areas may have to be found beyond settlements and in locations that are not well supported by public transport. Local Plan policy DM3 is consistent with this insofar as it says that tourism development should provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality. In this case, whilst the development would provide a modest economic benefit, there is no evidence to suggest that the proposal would meet a business need for holiday accommodation that is not already being met elsewhere locally.
8. In summary, the proposal would be located in the open countryside with poor access to services and facilities, and there is no demonstrable need for the development. It would therefore be contrary to policies ST3 and DM3 as set out above, and would similarly conflict with Local Plan policy ST1 which also requires development to accord with the settlement strategy.
9. Reference has been made to holiday accommodation development in Ospringe. However the Council have confirmed that that development involved the expansion of a longstanding existing business, which is allowed for by policy DM3, and involved a replacement building with positive benefits to the Kent Downs Area of Outstanding Natural Beauty<sup>1</sup>. As such it is materially different to the appeal proposal before me.

#### **Other Matters**

10. The visual impact of the development would be negligible given its position in a former chalk quarry. Indeed due to this sunken position, it would not be visible beyond the site boundaries, including from the public footpath. In addition the Council raise no objection to its design, its impact on neighbours or highway safety, and I have no reason to disagree. Nonetheless the lack of harms in these respects do not outweigh the adverse impacts identified above.
11. The direct payment made to the Council for the SAMMS would be to mitigate harm to the Swale Special Protection Area resulting from the development. It does not therefore count positively in favour of the proposal, is not a matter on which my decision can turn and so I have no need to consider it further.

#### **Conclusion**

12. The proposal would fail to accord with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, that lead me to a decision other than in accordance with the development plan. As such the appeal is dismissed.

*A Owen*

INSPECTOR

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<sup>1</sup> Now the Kent Downs National Landscape.