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## Appeal Decision

Site visit made on 23 March 2015

by **Kenneth Stone Bsc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2015

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**Appeal Ref: APP/V2255/W/14/3001974**

**Elliots Farm, Hartly Ferry Road, Leysdown-on-Sea, Isle of Sheppey, Kent  
ME12 4BG**

- 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 Kevin Llewelyn against the decision of Swale Borough Council.
  - The application Ref 14/501754/FULL, dated 10 July 2014, was refused by notice dated 17 October 2014.
  - The development proposed is described as a 'proposed barn'.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. There are some differences between the address for the site provided on the application form, the appeal form and on the Council's decision notice. This includes the spelling of Elliot and the name of the locality. I have taken the address from the application form.
3. The application was submitted on a form for householder development and the Design and Access statement accompanying the application noted that the applicant wished to erect an agricultural style barn to enable them to pursue their leisure activities on a year round basis. The proposed leisure activities were identified as air rifle target shooting and dog agility.
4. In the appellant's grounds of appeal it was stated the barn is required to provide a facility for leisure and sporting purposes for both the appellant and their friends and associates to partake in their respective sports of air rifle shooting and dog training/agility. The Council were concerned that this could imply the introduction of a business use. Clarification was sought and the appellant confirmed that under no circumstances has it been or will be the intention to use the barn for any form of business use. The appellant submitted that in the event that the appeal is found in favour of the appellant a condition could be applied restricting the use to personal leisure and recreational use only. The appellant confirmed the term friends and associates was used to convey the intention to use the facility privately and noted that as with many past times and sports, there is a social aspect, as is the case with air rifle shooting and dog agility, and current friends who enjoy the same pastimes would on occasions be invited to participate. The appellant stated

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this in no way implies any form of business use. I have considered the appeal on this basis that this is a private facility within the curtilage of a residential property in the countryside.

#### **Main Issue**

5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

#### **Reasons**

6. The proposed barn style building would be sited within the curtilage of an existing detached farm house. The site is surrounded by a high evergreen hedge which encloses the substantial garden of the farm house. The site is located in a small cluster of buildings including two small bungalows, the Council refer to as agricultural workers dwellings, and two large agricultural/ industrial scaled buildings. Otherwise the area is generally flat and open marshland in character.
7. The appeal site is located outside any defined built-up area boundary and is therefore in the open countryside in accordance with policy E6 of the Swale Borough Local Plan 2008 (LP). In such areas development proposals are only to be permitted if they fulfil particular functions. My reading of the appellant's case is that it is their contention that in part the building would serve to provide a service that would enable the existing rural community to meet their essential needs locally or that it provides for a necessary community facility; thereby meeting some of the functions required under policy E6. However, given that it is a private recreational use that is proposed, access to which is determined by the appellant, it is difficult to conclude that this would fulfil an 'essential need' for the community or a 'necessary facility'. It may well provide a location for people to congregate of a like mind and who enjoy similar activities but that group would not be a wider community but a very narrow community defined in the context of a relationship with the appellant. I conclude that the proposal would not meet the needs of the community to which the policy refers which would be that wider community and indeed would not fulfil any of the matters identified within the closed list in policy E6 with which it would thereby conflict.
8. Policy E9 of the LP seeks to protect the character and quality of the Borough's landscape. The council identify the site as falling within a Special Landscape Area designation and this is not disputed by the appellant. These areas are the second tier level of protected landscapes identified in policy E9 and are designated by the County the priority in which is the long term protection and enhancement of the quality of the landscape of these county assets, whilst having regard to the economic and social well being of their communities.
9. The proposed structure being 10m wide by 40m in length and having a maximum height of approximately 3.5m would be significantly larger than the existing house within whose curtilage it would be sited. It would accommodate a significant area of that curtilage and be a large building which in closer views would be visible through the front gate and glimpsed through the evergreen hedging. The high hedging would reduce the visibility of the building in longer views but the trees are not something that can be relied on for protection for the life of the building and their loss or removal would expose the building to views over substantially longer views the long term protection of the area could

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therefore be compromised. The consolidation of the built form on the site and the closer views of the building are in my view of themselves sufficient justification to refuse permission. When weighed against policy E6 which seeks to protect the intrinsic beauty of the countryside and the potential for wider views of the building to be afforded if something should happen to the tree screen, which would be harmful to the character and appearance of the area and thereby contrary to Policy E9, add to and support my concerns.

10. For the reasons given above I conclude that the proposed development would materially harm the character and appearance of the surrounding area. Consequently it would conflict with policies E6 and E9 of the LP which seek to protect the open countryside and areas of landscape quality. This is consistent with the core planning principles at paragraph 17 of the National Planning Policy Framework and in particular bullet point 5 which requires decision makers to take account of the different roles and character of different areas, ..., recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
11. As the scheme has been submitted and promoted as a private leisure facility for the appellant I do not afford it support as a community facility or a facility that would support a thriving rural community for the reasons given above.

**Conclusion**

12. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR