
Appeal Decisions

Site visit made on 1 August 2018

by B M Campbell BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2018

Appeal Ref: APP/V2255/C/17/3181476

Sheerness Holiday Park, Halfway Road, Minster, Kent ME12 3AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Cosgrove Leisure against an enforcement notice issued by Swale Borough Council.
- The enforcement notice was issued on 4 July 2017.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a building described as maintenance shed including 2.5metre palisade fencing surrounding the building on the Land the approximate locations of which are highlighted on the plan which in the opinion of the Council would require the benefit of planning permission, and which has not been granted.
- The requirements of the notice are to remove the building and surrounding fencing from the Land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Appeal Ref: APP/V2255/W/17/3181475

Sheerness Holiday Park, Halfway Road, Minster, Kent ME12 3AA

- 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 Cosgrove Leisure against the decision of Swale Borough Council.
- The application Ref 15/505069/FULL, dated 22 June 2015, was refused by notice dated 27 June 2017.
- The development proposed is erection of replacement maintenance shed.

Summary of Decision: The appeal is dismissed.

1. The appeal site is located within the Sheerness Holiday Park which is an extensive site accommodating static mobile holiday homes and associated holiday facilities. The site of the maintenance shed is on the north western side of the site to the southern side of the Queenborough Lines, a fortification running across the north west tip of the Isle of Sheppey between Queenborough to the west and Barton's Point to the east. It was built in the 1860s to protect Sheerness dockyard from land attack and is a scheduled monument and thus a designated heritage asset as defined in the National Planning Policy Guidance (July 2018) (NPPF).
2. The main issue is whether the development affects the significance of the Queenborough Lines heritage asset.

3. The Lines took the form of a rampart some 3m high behind a wet ditch about 23m wide. Behind the rampart to the north a broad flat "covered way" was protected from enemy fire and a "fire step" cut into the face of the rampart where troops could stand to fire out over the marshes. Small catchwater ditches were dug to the north of the covered way and to the south of the main ditch. The central part of the rampart was offset to provide for flanking fire along the ditch and to defend the causeway crossing the ditch. The causeway (now Halfway Road) lies a short distance to the west of the appeal site. The fortification was not completed as originally intended but this reflects wider subsequent historical/political developments.
4. Through its scheduling the Queenborough Lines is recognised as being a site of national importance. As it was not scheduled until 2012, it has suffered to a degree, from progressive change and development. However, in the main, survival is good with three-quarters of the ditch, most of the ramparts and catchwater ditches and one of the original magazines surviving intact. The general arrangement of the 1860s fortification remains readily appreciable and its original purpose easily understood.
5. The open land to the south of the Lines has contributed significantly to the setting of the monument both in historical terms in that a broad expanse of open marshland along its southern side was necessary to maintain an open field of fire; and in aesthetic terms in allowing the full scale of the fortification to be appreciated and viewed. Whilst that open setting has been compromised over time, the southern side of the lines retains an open marshland character to the east of the Holiday Park, as does the southern side to the west of the causeway.
6. From the northern side of the Lines opposite the appeal site and from Halfway Road when standing on the northern end of the causeway, the breaker's yard and the Holiday Park do intrude upon that open setting. However that intrusion is constrained by the relatively low height of the scrapped vehicles and mobile homes. Whilst it might be reasonable to say the yard and Holiday Park have reduced the sensitivity of this part of the Lines to further change to a degree; that does not open the door to additional development that might further erode the setting of the monument. I find that to be especially so in this particularly sensitive location where the causeway crossing provides a very public, important and long distance view along the Lines in an easterly direction.
7. The maintenance shed is substantially larger than the holiday homes seen with it since it measures some 18m long by 9 m wide with a height of some 6m. It is a large and solid structure with a mass and bulk which stands out against the skyline when viewed across the Lines from the north or when viewed from the causeway. From these directions, it has a wholly different character to existing structures with which it is seen. It is unduly dominant in the outlook and, in comparison with it, the low holiday homes, scrapped cars and slender crane pale almost into insignificance. Neither the embankment nor nearby trees have any appreciable effect in reducing the substantial visual intrusion. The height and mass of the building only serve to further erode the open character to the southern side of the Lines, further diminishing the contribution that this area currently makes to the historic and aesthetic setting, and thus to the significance, of the monument.

8. The Appellant points out that the site of the shed could be used to locate additional mobile homes without the need for a further planning permission. Whilst that might be so, the Appellant also says the location would not be well suited for further accommodation. But even if it were, additional mobile homes would not have the height and bulk of the shed and so would have less impact on the setting of the Lines than the existing structure. It does not, therefore, represent a fall-back which would justify granting planning permission for the existing shed.
9. On the main issue, I conclude that the development unacceptably erodes the open setting to the southern side of the Queenborough Lines and in so doing adversely affects its significance. As such there is conflict with policy DM 34 of the Swale Borough Local Plan which says development which would adversely affect the setting of a Scheduled Monument will not be permitted. There is also conflict with policy DM 14 which requires all development to be appropriate to its particular location. Policy DM 4 permits the upgrading and improvement of existing static holiday and caravan sites and I find no conflict with that policy – the shed is of a type and scale appropriate to the Park it is intended to serve. However, the fact that the development complies with this policy does not outweigh the serious conflict with policies DM 34 and DM 14. Overall the development does not accord with the provisions of the Development Plan.
10. In relation to the provisions of the NPPF, the development would lead to less than substantial harm to the significance of the designated heritage asset. As such, paragraph 196 says the harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use. The Appellant points to the need for improved facilities in order to maintain the Holiday Park. I can quite understand that a secure service yard and building might be required for a park of this size and, recognising the importance of tourism to the area, accept that a well maintained park rather a poorly maintained one is more of a public benefit. However the site is extensive and it has not been demonstrated that no solution other than a yard and building of this size in this particular location is the only option. The public benefit, such that it is, does not outweigh the harm identified so as to warrant a grant of planning permission.
11. Having regard to all other matters raised in the written representations received I find nothing sufficient, either individually or cumulatively, to outweigh the damage caused or to indicate that the development should be determined otherwise than in accordance with the Development Plan. The appeals fail.

Formal Decisions

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12. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

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13. The appeal is dismissed.

B M Campbell Inspector