



Appeal Decision

Site visit made on 13 November 2019

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2019

Appeal Ref: APP/V2255/W/19/3225039

Sheerness Holiday Village, Halfway Road, Minster-On-Sea 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 Mr A Johnstone (Cosgrove Leisure) against the decision of Swale Borough Council .
 - The application Ref 18/506581/FULL, dated 3 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is the erection of a replacement maintenance shed (resubmission of 15/505069) with reduced height and revised elevation treatment)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development affects the significance of the Queensborough Lines heritage asset.

Reasons

3. The appeal site is within Sheerness Holiday Village which comprises a large site accommodating an extensive number of static mobile homes together with ancillary buildings and facilities and is located on the eastern side of Halfway Road. More specifically, that part of the site which is the subject of this appeal is the maintenance yard adjacent to the north west boundary, within which there is an existing large maintenance shed. This is rectangular in floorplan with a shallow pitched roof and clad in green coloured profiled metal sheeting. The proposal is to keep the same size footprint but reduce the ridge height from its current height of 6.5 metres to 4.5 metres. It would also be reclad with a slate tiled roof and timber boarded walls to its upper parts.
4. To the west of the site is a car breakers yard with open and stacked storage of vehicles, whilst to the east is open land.
5. Adjoining the site to the north is the Queensborough Lines, a fortification built in the 1860s to protect Sheerness dockyard from land attack. The lines were designated as a scheduled monument in 2012 and is therefore a designated heritage asset as defined in the National Planning Policy Framework (the Framework).

6. The lines took the form of a rampart some 3 metres high behind a wet ditch of approximately 23 metres wide. Behind the rampart to the north, a broad flat covered way was protected from potential enemy fire. To the south of the main ditch and to the north of the covered way, small 'catchwater' ditches were also dug. Although largely straight, the central part of the rampart was offset to provide a position for flanking fire along the ditch. In the central part, the rampart was set back to create short flanking positions to defend the causeway (now Halfpenny Road) which lies to the west of the appeal site. Following the defeat of France in the Franco-Prussian War of 1870-71, the immediate threat of invasion was removed and the fortification was not completed as originally intended.
7. Notwithstanding the above, and despite development of Sheerness in close proximity to the north, the fortification has survived remarkably intact and its original purpose is easily understood. Apart from the significance of the fortification itself however, the open land to the south contributes significantly to its setting and indeed helps to understand and interpret the primary purpose for it being there in order to defend a potential attack from the south across open and low lying pasture land. Unfortunately, that setting has been partially eroded over time with the establishment of the holiday park and the car breakers alongside. Nevertheless, whilst that is unfortunate, the open setting formed by the low lying land is still very much in evidence when standing on the bridge at Halfpenny Road and looking in both directions, and from Canal Bank on the northern side of the fortification.
8. A previous proposal to retain the maintenance shed in its current form was dismissed on appeal in August 2018 with an appeal against an enforcement notice being dismissed at the same time (the 2018 appeals) ¹. In reaching those decisions, the Inspector found that the building would further erode the open character to the southern side of the Lines, further diminishing the contribution that the area makes to the setting of the monument.
9. In support of the revised proposal, the appellant considers that the reduced height of the building would make it hardly visible compared to the car breakers alongside and that its impact would not be much greater than the maximum dimensions allowed for a twin unit caravan under the Caravan Sites Act 1968. It is pointed out that the Council accepts that any harm is less than substantial and that the setting of the lines has already been prejudiced. It is also suggested that there is no other suitable site for such a facility.
10. In conducting my site visit, as well as looking at the building from within the holiday village itself, I took the opportunity to view the impact from the bridge over Halfpenny Road as well as walking along Canal Bank, starting from the bridge and then eastwards to where the wet ditch narrows. From all vantage points, the building is particularly conspicuous and appears as a dominating and incongruous structure seen against the skyline. As such I agree with the previous Inspector that it further erodes the open setting of the monument to the south. I acknowledge that the revised height of the building would have a reduced impact, but because of its extensive size, not appreciably so. It would still stand out against the skyline and intrude into the setting, particularly because of the low lying nature of vantage points from the north of the Lines as well as the south. I do not consider that such impact would be mitigated by

¹ Appeal references APP/V2255/W/17/3181475 & APP/V2255/C/17/3181476.

the proposed change in materials; it is the size of the structure itself intruding into the setting which would be the major concern.

11. I also do not agree with the appellant's contention that the building would not be appreciably larger than the maximum size of additional twin unit caravans which could be permitted on the site without any further permission. On the contrary, it would be some 2.2 metres wider and 1.5 metres higher and also of a significantly greater mass and different form and character. Its impact and therefore effect upon the setting of the monument would therefore be very different.
12. As noted above, I acknowledge that the setting of the monument has already been somewhat compromised by the establishment of the holiday village and the adjacent car breakers. However, as the previous Inspector observed in the 2018 appeals, that is not a good reason for additional harmful development that might further erode the setting of the monument. In my view that would still be the case with the revised proposal which would remain the single largest structure on the south side of the Lines. I also note the appellant's reference to the Council having granted permission for an industrial park on the adjacent car breakers site. There is no detail before me in that respect and I am not aware if that was granted prior to the scheduling of the monument in 2012 or not. In any event, the appellant points out it has now lapsed and therefore it has not been decisive in reaching my finding above.
13. Drawing the above together, I find that the revised proposal would still erode the open setting of the southern side of the monument and as a result would harm the significance of the heritage asset. As such it would be contrary to Policies CP8, DM14 and DM34 of the Council's Local Plan 2017, in that it would not respect the integrity of the heritage asset nor assist in its interpretation, would not be appropriate to its location and would adversely affect the setting of a scheduled monument.
14. The Framework advises in paragraph 193 that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
15. In the context of the above, the proposal would cause less than substantial harm to the significance of the heritage asset. In such circumstances, paragraph 196 of the Framework advises that the harm should be weighed against the public benefits of the proposal. In dismissing the 2018 appeals, the Inspector noted that a secure service yard and building might be required for a well maintained park and having regard to its contribution towards tourism in the area, that could be regarded as a public benefit.
16. However, the Inspector also noted that the public benefit did not outweigh the harm identified, which is what the appellant currently suggests, and that in any event it had not been demonstrated that there was no other alternative location available. In my view that remains the case, and apart from a statement from the appellant, there is no evidence or detailed explanation before me to substantiate that point. Furthermore, there is no particular evidence that the building needs to be of the size or height proposed for functional reasons. In that respect I noted that current storage is primarily

smaller sized items and relatively small service vehicles, which it seems to me could equally be accommodated in a smaller building(s).

Conclusion

17. For the reasons set out above, the proposal would cause harm to the significance of the setting of the Queensborough Lines scheduled monument for which there is no clear or convincing justification, and would therefore conflict with guidance in the Framework and policies in the LP as noted.
18. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR