
Appeal Decision

Site visit made on 5 January 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/V2255/W/20/3255595

Alpaca Farm, Yaughar Lane, Hartlip ME9 7XE

- 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 and Mrs A Brown against the decision of Swale Borough Council.
 - The application Ref 20/501491/FULL, dated 27 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed is change of use of a log cabin to a holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I observed that the 'log cabin' already occupies the appeal site. A temporary 3 year planning permission was granted on appeal in March 2013¹ for the use of the land for the stationing of a log cabin for an agricultural workers dwelling. The 3 year period has expired and so on the basis of the evidence before me the log cabin is unauthorised.
3. The appellant sets out that the structure arrived on site as two separate pieces that were placed on two trailers and bolted together. The exterior was then clad in dark stained weather boarding. The appellant affirms that the structure's construction method and dimensions mean that it comes under the definition of the Caravan Sites Act 1968 and therefore the proposal should be dealt with as a change of use of the land for the stationing of a mobile home to be used as a holiday let. Caravans/mobile homes and the like will not generally satisfy the well-established definition of a building and there is no substantive evidence before me to disagree with the appellant. I shall therefore proceed on the basis that the proposal is for change of use of the land for the stationing of a log cabin to be used as a holiday let.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the countryside and the Kent Downs Area of Outstanding Natural Beauty; and,

¹ Appeal references 2186255 and 2184468

- whether the proposed development would be in an appropriate location for new holiday accommodation, having regard to access to services and facilities.

Reasons

Character and appearance

5. The appeal site is located within the countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB). In determining this appeal, I have had regard to the statutory duty under section 85 of the Countryside and Rights of Way Act 2000, which requires that decisions have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The AONB is a valued landscape with a nationally designated status where, in accordance with paragraph 172 of the National Planning Policy Framework (the Framework), great weight should be given to conserving and enhancing landscape and scenic beauty, which have the highest status of protection in relation to these issues.
6. The appeal site is part of a farm, which includes the breeding of alpacas. Aside from the log cabin, there are various buildings at the site and a series of paddocks and enclosures. The log cabin is positioned adjacent to the boundary with Yaugher Lane, which is lined with trees and vegetation. The wider area consists of undulating fields, hedgerows and areas of woodland. Queendown Warren Nature Reserve is located to the east. The surrounding roads are narrow in width and lined by hedgerows. Built development is generally very dispersed and the area is rural in character.
7. The log cabin is un-authorised and so the proposal would not constitute the re-use of an existing building. The log cabin is of a simple design that possesses very little architectural merit. It has a domestic appearance, isolated from any other residential accommodation or settlement, and is not in keeping with the area's vernacular. Whilst not a building, the use of the land for the stationing of a log cabin introduces urbanisation effects which erodes the rural character of the area. Activities associated with the proposed holiday accommodation would also reduce the tranquillity and sense of remoteness of this part of the countryside.
8. I recognise that the vegetation along the eastern boundary provides some screening, however the extent of this is limited in winter months when vegetation is not in leaf, and I saw that the log cabin is visible from Yaugher Lane. Furthermore, there are views of the log cabin from the open field to the west. Whilst additional planting could be required through the imposition of a planning condition, any new planting would take some time to become established and it could not be relied upon in perpetuity to screen the proposal given that it would be a natural feature.
9. For these reasons, I conclude that use of the land for the stationing of a log cabin for holiday accommodation would cause significant harm to the character and appearance of the countryside and the AONB. The proposal would therefore be contrary to Policies ST1, ST3, DM3, DM14 and DM24 of the Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017. Amongst other things, these policies seek to protect the intrinsic character, beauty and tranquillity of the countryside; and conserve and enhance the special qualities of and distinctive character of the AONB. Furthermore, the proposal would not

accord with paragraphs 127 and 172 of the Framework which require that development is sympathetic to local character, including the surrounding landscape setting, and that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

10. The Council also refers to Policy DM4 of the Local Plan, however this policy specifically relates to holiday parks and so it is not directly relevant to the appeal scheme. However, this would not alter my finding on the first main issue.

Appropriate location

11. I acknowledge that the appeal site is in an isolated location and removed from facilities, services and public transport. However, accommodation for rural tourism is often located in remote areas and inevitably results in high dependency on the use of the private car. It is this remoteness and countryside location that some visitors will seek. The vehicular movements would be limited by virtue of the proposed single unit of accommodation, which would be occupied by a small number of visitors.
12. I therefore conclude that the proposal would be an appropriate location for new holiday accommodation, having regard to access to services. In this respect, the proposal would not conflict with Policy DM3 of the Local Plan. Furthermore, it would accord with paragraph 103 of the Framework, which sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Other Matters

13. I recognise that Policy DM3 of the Local Plan supports the sustainable growth and expansion of business and enterprise in the rural area. However, paragraph 1) e) of Policy DM3 states that for all proposals, development will '*result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area*'. Furthermore, I acknowledge that paragraph 83 of the Framework supports the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses. Nevertheless, criterion c) of paragraph 83 states the planning decisions should enable sustainable rural tourism which '*respect the character of the countryside*'.
14. The appellant sets out that the proposed holiday let could generate an annual margin of around £9,965, which would diversify the enterprise and secure the future viability of the rural business. The use of the land for a holiday let would provide an economic benefit to the rural business, which weighs in favour of the proposal. There would also be some benefits to the wider rural economy arising from the operation of the holiday let unit. However, given the small amount of accommodation and its remoteness from facilities and services, this benefit would be limited.
15. The appellant indicates that if the business failed, the site is more than likely to be incorporated within a larger farming enterprise who would amalgamate fields for arable mono-cropping, which would remove biologically rich grassland and hedges from the area, leading to the degradation of biodiversity and the

environment. Nevertheless, there is no substantive evidence before me to support this view.

16. I appreciate that access to visitor accommodation in the countryside may provide benefits to the mental well-being of guests. However, there is little evidence before me to show that there is a shortage of such accommodation in the borough. Therefore, this benefit attracts minimal weight.
17. Overall, I find that the benefits of the proposal would not outweigh the significant harm to the character and appearance of the countryside and the AONB.
18. The Council states that the application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA). The SPA is a designated Habitat site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Habitat Regulations indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR