



Appeal Decision

Site Visit made on 3 August 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/H2265/W/20/3264742

The Paddock, 134 Common Road, Chatham ME5 9RG

- 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 & Mrs Adams against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/02148/FL, dated 25 September 2020, was refused by notice dated 23 November 2020.
 - The development proposed is the relocation and retainment of existing static caravan and partial change of use to allow for holiday let accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers to a 'partial' change of use. For the avoidance of doubt, the change of use to holiday let accommodation relates only to the static caravan and a small curtilage around it. It does not relate to the whole site and I have considered the appeal on this basis.
3. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area, with particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB); and b) the living conditions of the neighbouring occupiers, with particular regard to privacy.

Reasons

Character and Appearance

5. The appeal site is an L-shaped area of land bound to the south by Common Road. In addition to the static caravan, which is on the site's western boundary, the land contains a recently installed mobile home and some associated outbuildings, which are located towards the eastern side of the site. When viewed from Common Road, the mobile home and other buildings are less prominent than the static caravan.

¹ National Planning Policy Framework (2021)

6. The key characteristics of the AONB include large arable fields on expansive open plateaux with long distance panoramas across the open countryside. This is interspersed with small villages linked by narrow lanes. The landscape in the vicinity of the appeal site consists largely of woodland to the north and open countryside with wide panoramas across arable fields to the south. The appeal site is located on open land which relates well to the undeveloped character of the area. Although there is some neighbouring built form, the site makes a positive contribution to the character of the AONB and its openness along Common Road.
7. Policy CP7 of the Core Strategy² and Policy SQ1 of the Development Plan Document³ seek to limit development in the AONB, in order to protect its intrinsic beauty and qualities. This approach reflects Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas. Whilst the Local Plan seeks to support the local economy and the Framework is broadly supportive of leisure and tourism facilities in rural areas, such proposals must nevertheless accord with the overarching, protective policies which seek to ensure development respects the character of the countryside and the AONB.
8. Whilst a rural location may be preferable for a development such as this, there is no functional requirement that makes it essential to locate a static caravan at this site specifically. Its retention would permanently alter the open character and appearance of this part of the appeal site and the AONB. A landscaping scheme would help to mitigate some of the potential harmful effects of the scheme on the AONB. However, the proposal both in terms of the caravan itself and how it would be used, would nevertheless result in a change to the intrinsic, undeveloped and open character of the land and thus its value to the AONB.
9. The proposal would therefore cause harm to the character and appearance of the area including such to key elements of the AONB. Accordingly, it would be contrary to Policies CP1, CP7 and CP24 of the Core Strategy and Policy SQ1 of the Development Plan Document, which amongst other things, seek to ensure that proposals protect the open countryside and natural environment, and that the qualities and distinctiveness of the AONB, are protected from development.

Living Conditions

10. The caravan is positioned close to the boundary with the northern most neighbouring dwelling, No.146 Common Road. The bay window serving the caravan's main living area would look mainly across the car parking area in front of the house. However, due to the shape of the window and the position of the caravan there would be the potential for some window-to-window overlooking with the neighbour's front window. The existing planting on the boundary, which appears to be on the neighbour's land, has been left unmanaged at this point and blocks any overlooking from occurring. I noted from my site visit that the appellants have sought to supplement this area with some additional landscaping. The provision of a landscaping scheme could be covered by a condition, but its longer-term retention may prove harder to secure. Given that planting can too easily be removed, provide less protection at various times of the year or simply suffer disease and die, plants and

² Local Development Framework – Core Strategy (2007)

³ Managing Development and the Environment – Development Plan Document (2010)

landscaping should supplement levels of privacy and not be a substitute for an intrinsic lack of it. The retention of the caravan in this position is therefore likely to result in both perceived and actual loss of privacy to the neighbour at No.146 Common Road. I am not convinced that the existing or a supplemented boundary planting scheme would be sufficient to overcome my concerns in this regard.

11. Accordingly, the proposal would result in a loss of privacy for the occupiers of No.146 Common Road, thus harming their living conditions. The proposal would therefore be contrary to Policy CP1 of the Core Strategy, which amongst other things, seeks to protect existing residential amenity.

Other Matters

12. The appellant suggests that the uptake of the accommodation is likely to be limited, with a corresponding limited impact on the site and wider area. However, there is no substantive evidence to support this assertion. Whilst the size of the caravan would limit the number of occupants, I do not doubt that there would be demand for tourist accommodation in the area. The appellant also points out that the proposal does not result in several caravans on site, given that the mobile home has a more permanent appearance. Nevertheless, the caravan would exist regardless of its occupancy levels, and it would add to the overall amount of development on the site. Therefore, the weight I could attach to the suggested level of use or occupancy or the fact it would be only one caravan would be very limited. This would be insufficient to outweigh the significant harm, and conflict with the development plan and Framework that I have identified from the caravan being on the site.
13. Although the caravan has been on site for some time, this has been in connection with the wider use of the site and then as temporary accommodation whilst the new mobile home was constructed. This temporary arrangement was entirely reasonable given the Council had accepted the need for ongoing accommodation on the site. However, the expectation was that the caravan would be removed. That the two have remained on site and no objections have been received in the intervening period does not mean that the current situation is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.

Conclusion

14. The proposal harms the character and appearance of the area, which includes the AONB, and the living conditions of neighbouring occupiers. This would lead to conflict with the development plan. Having considered all other relevant material considerations, there is no sufficiently compelling reason to make a decision other than in accordance with it. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR