
Appeal Decision

Site visit made on 24 November 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/V2255/W/21/3272891

Parkfield House, Hogbens Hill, Selling ME13 9QU

- 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 John Hogben against the decision of Swale Borough Council.
 - The application Ref 20/505572/FULL, dated 23 November 2020, was refused by notice dated 20 January 2021.
 - The development proposed is stationing of a static caravan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in July 2021. The main parties had the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. The description of proposed development shown in the Council's decision notice is more concise than that shown in the planning application form. I have therefore used this description in the heading above.

Main Issue

4. The main issue is whether the proposed development would be in an appropriate location for residential accommodation, having regard to its accessibility to facilities and services, and its effect on the character and appearance of the area, including the Sheldwich Conservation Area and the Kent Downs Area of Outstanding Natural Beauty.

Reasons

5. The appeal site is located outside the built up area boundary for the purposes of the development plan. It is adjacent to a detached dwelling at Parkfield House and comprises a builder's yard, including various large single storey buildings. The appeal site is located in the Sheldwich Conservation Area, and the area has a rural character. It includes a group of attractive individually designed dwellings with spacious and landscaped gardens, which are set within the Kent Downs Area of Outstanding Natural Beauty (the AONB).
6. Policies ST1 and ST3 of the Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017 (the Local Plan) set out a settlement strategy for the

Borough, which directs new development to a hierarchy of locations. Urban centres are the focus for most growth and other centres being progressively more restricted depending on their size, accessibility and service provision. For sites in the open countryside outside the built up area boundaries, the policies set out that development will not be permitted unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

7. Paragraph 105 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. However, its overall aim is to promote walking, cycling and public transport use, and reduce reliance on the private car as a mode of transport.
8. Whilst there are existing buildings in the vicinity of the appeal site, it is remote from a settlement. The local road network consists of narrow, unlit country lanes; and the terrain of the area is generally quite hilly. These conditions would discourage walking and cycling for day-to-day access to services. Having regard to the considerable distance to the nearest shops and services and the limited public transport options accessible from the appeal site, it would be highly likely that future occupiers of the proposed development would access services by private car. This would not achieve the social and environmental sustainability objectives set out in the Framework.
9. Paragraph 79 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. However, given the dependency on the private car, the support provided by the future occupiers of the proposed caravan to local services and facilities would be limited. Consequently, taking into account the above factors, I find that the appeal site would not be a suitable location for residential accommodation with regard to the accessibility of services and facilities.
10. The proposed caravan would not have a vernacular appearance or be constructed from traditional materials. Furthermore, the caravan would add clutter and domestic paraphernalia to the appeal site, which would be out of keeping with the open and spacious qualities of the area. Whilst screening would be provided by the trees along the eastern and southern boundaries and the existing buildings within the appeal site, there would still be some glimpsed views of the caravan from the road through the vegetation. Moreover, given that the trees are a natural feature they could not be relied upon in perpetuity to screen the development, and the presence of screening does not negate the requirement to achieve good design. The proposal would therefore fail to preserve or enhance the character and appearance of the Sheldwich Conservation Area and the AONB.
11. The Framework requires that where there would be less than substantial harm to the character and appearance of the Conservation Area, this should be weighed against the public benefits. In this case, the benefits of the proposal would be largely private. In terms of public benefit, the proposal would provide additional residential accommodation on previously developed land, however this benefit would be limited by the modest amount of development. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given

to the asset's conservation. In this respect, I find that the public benefits would not outweigh the harm I have identified.

12. For the above reasons, I conclude that the proposed development would not be in an appropriate location for residential accommodation, having regard to its accessibility to facilities and services, and its effect on the character and appearance of the area, including the Sheldwich Conservation Area and the AONB. The proposal would therefore be contrary to Policies ST1, ST3, ST7, CP3, DM14, DM24 and DM33 of the Local Plan, which, amongst other things, set a settlement strategy for the area, seek to conserve and enhance the natural and/or built environments taking into account the desirability of sustaining an enhancing the significance of heritage assets; and conserve and enhance the special qualities and distinctive character of the AONB.

Other Matters

13. The appellant refers to several Council decisions for caravans/mobile homes at other sites in the Maidstone area. Nevertheless, planning proposals should be considered on their own merits, which I have done in this case, and I am not bound by previous decisions made by the Council.
14. The planning application set out that the caravan is required to facilitate permanent on-site security. Nevertheless, the adjacent dwelling at Parkfield House overlooks the site and provides natural surveillance. Furthermore, I have no evidence to explain the nature of the equipment or goods that need to be protected, or why an appropriate level of security could not be provided in other ways.
15. I acknowledge that the proposal would make efficient use of previously developed land and provide additional residential accommodation. The benefits of which would be limited by the modest amount of development. Moreover, I have had regard to the appellant's appeal statement which sets out that the caravan is required to provide independent accommodation for a family relative. However, I find that these considerations would not outweigh the identified conflict with the development plan.
16. The Council states that the application site is located within 6km of The Swale 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

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp INSPECTOR