



Appeal Decision

Site visit made on 4 April 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/V2255/W/22/3300169

2 Bells Forstal Cottages, Throwley, Faversham, Kent ME13 0JS

- 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 Dr Charlotte Shattuck against the decision of Swale Borough Council.
 - The application Ref 21/505863/FULL, dated 28 October 2021, was refused by notice dated 4 January 2022.
 - The development proposed is described as "To place a shepherds in garden for holiday rental. 5.5m by 2.2m on wheels."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The word "hut" is missing from the development description. However, it is clear from the other information provided that the development proposed is a shepherd's hut in garden for holiday rental. I have therefore considered this appeal on that basis.

Main Issues

3. The main issues in this appeal are:
 - i. Whether the proposed shepherd's hut would conserve and enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty (AONB).
 - ii. Whether the proposal would be in a suitable location in respect to adjacent settlements.

Reasons

Landscape and scenic beauty of the AONB

4. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB). The Kent Downs AONB comprises undulating chalk downs with a diverse topography of valleys and plateaux. It is an historic, farmed landscape of fields and hedgerows set within networks of lanes. There are scattered villages, isolated farmsteads and remote buildings situated amongst orchards, ancient woodlands, scrub, heath and grassland. Views can be extensive resulting in a sense of space, beauty and tranquillity.

5. The appeal site comprises a semi-detached house and separate garage within a large garden. The site is surrounded by fields with occasional trees and low hedges. There are long, open views of the surrounding countryside from within and across the site. The site's garden has the appearance of a large, grassy meadow with some trees. It makes a positive contribution to the sense of openness and continuity with the landscape.
6. The proposed development would interrupt the openness and views across the site by placing a structure in a prominent position. Although situated relatively close to the house, it would be within the area that currently provides uninterrupted views into and across the garden and beyond to the surrounding landscape. Notwithstanding its wheels, the proposed hut would be a fixed structure. Even if it were painted green to help it blend into its surroundings, the hut would be visible from several viewpoints including lanes and footpaths. Nearby boundary hedges and trees would only partly screen the structure for part of the year. Therefore, irrespective of the use of the proposed shepherd's hut, the proposal would result in a harmful change to the appearance of the site and the surrounding landscape.
7. I understand that shepherds' huts are an historic feature of the downlands of southern rural England and that the proposed structure would look similar to a traditional shepherd's hut. There is little evidence to support this argument. Two examples are given of similar structures within the locality of the appeal site, but limited information is provided about these. I am also not aware of their use or the circumstances of their construction. The Council indicate the one at Derbies Court may be a caravan and therefore subject to different legislation and policies. Similarly, little information is provided about the other types of holiday-let referred to as having been approved within the same parish.
8. In terms of the wider examples of shepherds' huts provided, these are from National Parks and AONBs in other parts of England and Wales. I am not aware of the circumstances of those cases. In any event, the context and characteristics of each nationally designated area are different, so comparisons between areas are of limited relevance. I have considered the appeal proposal on its own merits.
9. For the above reasons, I conclude the proposed shepherd's hut would not conserve and enhance the landscape and scenic beauty of the Kent Downs AONB. This is contrary to Policies, ST1, DM3, DM14 and DM24 of Bearing Fruits 2031 – The Swale Borough Local Plan (SBLP) and the Framework. These policies seek to conserve and enhance the natural environment and countryside, including the intrinsic value, tranquillity and beauty of the Kent Downs AONB; and provide for an expansion of tourist and visitor facilities in appropriate locations without significant harm to landscape.

Location in respect to adjacent settlements

10. The appeal site is located on the edge of a small group of some nine dwellings known as Bells Forstal. This group is not a designated settlement as defined in Policy ST3 of the SBLP. The location therefore constitutes open countryside outside a designated boundary for the purposes of that policy. The location is, therefore, isolated.

11. Policy ST1 of the SBLP seeks to achieve a spatial development and settlement strategy that supports the economic, social and environmental sustainability of the area, including the vitality of rural communities. Part 5 of Policy ST3 of the SBLP states that at locations in open countryside, outside designated boundaries, 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. The proposal involves the development of an isolated home, albeit one intended for use as a holiday let. Paragraph 80 of the Framework states planning decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply.
12. I have concluded under the first main issue that the proposal would not contribute to protecting and enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside or its buildings. The appellant has not suggested the proposal would meet any of the circumstances set out in Paragraph 80 of the Framework.
13. Turning to the vitality of the rural community, I note there are few local services or businesses close to the appeal site. The nearest town centre is several kilometres away in Faversham, with little public transport between there and the site. Users of the shepherd's hut would need to travel some distance for provisions and would be likely to rely on a car for most of their transport needs. This would contribute little to the rural economy local to the site. As visitors, they would also make limited use of other local services important to the vitality of rural communities, such as schools and community centres. I therefore find the proposal would make only a limited contribution to the vitality of the rural community in this part of Swale.
14. For the above reasons, I conclude the proposal would not be in a suitable location in respect to adjacent settlements. This is contrary to Policies ST1 and ST3 of the SBLP. It is also contrary to paragraph 80 of the Framework.

Other Matters

15. The appeal site is within the setting of a group of grade II listed buildings in Bells Forstal. These include The Old Cottage, an eighteenth-century red brick house, and two eighteenth-century timber-framed and weather-boarded barns associated with it. Their significance as listed buildings derives from their traditional appearance and their contribution to, and setting within, the historic group of rural buildings. The houses at nos. 1 and 2 Bells Forstal are positioned between the listed buildings and the location of the proposed shepherd's hut. As a result, there is little intervisibility between the site and those heritage assets. On balance, I consider there would be no harm from the proposal to the setting or significance of the listed buildings.
16. I note there is high demand for holiday accommodation within the Kent Downs area. Tourism makes an important contribution to the rural economy generally and the proposed accommodation for visitors would provide a modest addition to this, which is a benefit.
17. I acknowledge the attractiveness of the proposed location to potential visitors, close to open countryside and wildlife. However, this would not provide the only opportunity to stay within the AONB given the existence of other tourist

accommodation in the locality. It is not essential to stay over-night within the AONB to appreciate its scenic beauty. This can be experienced through a range of day-time leisure pursuits, such as hiking and cycling, using a base elsewhere.

18. I understand the proposed shepherd's hut would be well insulated and energy efficient. I note there would be sufficient off-street parking and turning space to serve the proposed development, no additional hard standing is proposed, and an electric vehicle charging point would be provided. Given the scale of the proposal, the level of additional traffic generated would be modest. Bicycle rental would be offered to guests and covered bicycle storage for guests' own cycles would be available as well, which would be a benefit of the proposal. I acknowledge the appellant's willingness to maintain an up-to-date register of occupants.

Conclusion

19. For the above reasons, having considered the policies drawn to my attention, I conclude the conflict with Policies DM3, DM14, DM24, ST1 and ST3 of the SBLP means the proposal conflicts with the development plan as a whole. The other matters raised would not outweigh this conflict. Taking account of the Framework, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR