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# Appeal Decision

Site visit made on 8 October 2024

**by A Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 October 2024**

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**Appeal Ref: APP/X2220/W/24/3343369**

**Dolittle Farm, Westcliffe Paddock, Dover Road, Westcliffe, Dover CT15 6EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Joel Caplin against the decision of Dover District Council.
  - The application Ref is 23/01113.
  - The development is temporary (3 year) change of use of land to a mixed use of agriculture and siting of 2 caravans for residential use, construction of a hardsurface and associated landscaping.
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## Decision

1. The appeal is allowed and planning permission is granted for a temporary (3 year) change of use of land to a mixed use of agriculture and siting of 2 caravans for residential use, construction of a hardsurface and associated landscaping at Dolittle Farm, Westcliffe Paddock, Dover Road, Westcliffe, Dover, CT15 6EN in accordance with the terms of the application, Ref 23/01113, and the submitted site location plan at 1:1250 scale and Block Plan (Proposed), subject to the conditions in the attached schedule.

## Application for costs

2. An application for costs was made by Mr Joel Caplin against Dover District Council. This is the subject of a separate decision.

## Preliminary Matters

3. The application was submitted retrospectively and it was clear at my site visit that the development has commenced. I have therefore considered the appeal on this basis.
4. During the determination of the appeal, the Council adopted the Dover District Local Plan. The Core Strategy has accordingly been superseded and policies DM15 and DM16 referred to in the decision letter are no longer in force. However, policies H4 and NE2 of the draft version of the Local Plan were also referred to in the decision letter, and the versions of these provided to the appellant are materially the same as the versions now adopted.

## Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area including the Kent Downs National Landscape<sup>1</sup>.

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<sup>1</sup> Formerly Area of Outstanding Natural Beauty (AONB)

## Reasons

6. The appeal site comprises a small portion of land on the south side of Dover Road. The adjacent land to the west is also owned by the appellant and is used for grazing. To the east is a detached dwelling, The Meadow, which sits on a plot that wraps around the rear of the site. In the wider setting, the site is within a small cluster of development mainly comprising dwellings but accompanied by a church. This cluster is surrounded by open agricultural land and is separated from the larger settlement of St Margarets. As such, the area has a strong rural character but with domestic elements. An important local characteristic is the significant set back from Dover Road that the dwelling at The Meadow and the neighbouring buildings to the east display, and the openness along Dover Road resulting from this.
7. On the appeal site there are two static caravans, positioned in the north of the site, closest to the road. There are bushes and trees along the highway verge which allow only very limited views of the caravans, and solid wooden entrance gates which also obscure views into the site.
8. A wooden fence, around two metres in height, has been provided along the east boundary of the site. At the time of my site visit, views of this from positions slightly further east along Dover Road were restricted by vegetation in the front garden of The Meadow and on the highway verge to its front.
9. The presence of all this vegetation means the site is more enclosed than other plots along Dover Road. I accept this vegetation could not be relied upon in the long term to screen the development or the boundary fence. However it is likely that it would remain for at least the temporary period permission is sought for, particularly that along the highway verge. Even if it did not, any views of the development will be for only a limited period.
10. There is a public footpath which runs across fields to the south of the site. From here the appeal site is in an elevated position. However the caravans and most of the fencing is screened by planting provided on the west boundary of the appeal site, tall trees on the south boundary and the dwelling itself at The Meadow. In addition the views are at a significant distance, being separated from the appeal site by a large field and the appellant's own grazing land. In any case, from here the use of the site is seen in the context of the other built development along Dover Road. The surfacing of the site has little visual impact beyond the site boundaries.
11. The site is within the Kent Downs National Landscape. Due to the small scale of the development, its setting amongst other built form along Dover Road and its temporary nature, it is considered that the development conserves the landscape and natural scenic beauty of the National Landscape.
12. Overall, due to a combination of its limited scale and prominence in its context and its temporary nature, the development does not have a harmful effect on the character and appearance of the area. It therefore accords with Local Plan policy H4 which requires gypsy and traveller accommodation to protect the character of the landscape.
13. It also accords with Local Plan policy NE2 and the principles of the Kent Downs AONB Draft Management Plan which require development to conserve the characteristics of the landscape and natural beauty of the AONB.

## **Other Matters**

14. Although the site is not within convenient walking distance of the shops and facilities in St Margarets, there is a bus stop, albeit served by an infrequent service, within proximity of the site. Even if this was not sufficient to encourage sustainable modes of transport, any conflict with this aim would only be for a limited period. In addition in this regard, the Planning Policy for Traveller Sites (PPTS) seeks only to limit traveller site development in open countryside away from existing settlements, which is not the case here.
15. The Council suggest they already have a sufficient supply of gypsy and traveller pitches, and I note part a) of policy H4 states that such development on unallocated sites should only be permitted if existing sites are not available. However, the appellant has stated alternative provision in the District is not suitable for them, which the Council do not dispute.
16. I note the concerns regarding the enforceability of any conditions imposed. However that would be a matter for the Council to address.

## **Conditions**

17. I have carefully considered the conditions suggested by the Council. I have altered the wording of some to more closely reflect the advice in the national Planning Practice Guidance and the PPTS.
18. Conditions to limit the occupation of the development to gypsies and to the three years as applied for are necessary in the interests of certainty. The conditions restricting the number of caravans, the landscaping of the site and external lighting are necessary to protect the character and appearance of the area. The conditions that relate to the commercial use of the site and the storage of commercial vehicles are imposed to protect the living conditions of neighbouring occupiers.
19. I have not imposed the suggested condition identifying the plans as I have included them within the terms of the Decision.

## **Conclusion**

20. The development accords with the development plan taken as a whole and there are no other considerations to indicate a decision other than in accordance with the development plan. Therefore the appeal is allowed.

*A Owen*

INSPECTOR

## Conditions

- 1) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) The use hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3) There shall be no more than two pitches on the site and on each of the pitches hereby approved no more than one static caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time.
- 4) No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) Prior to any external lighting being installed on the site, details of the position, height, and the type of lights, shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out in accordance with the approved details.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within three months of the date of this decision a scheme for tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
  - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.