



Appeal Decision

Site visit made on 31 March 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/V2255/W/24/3357550

4 Church View Cottages, Boxted Lane, Newington, KENT ME9 7LD

- 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 Mr Richard Pearson against the decision of Swale Borough Council.
 - The application Ref is 24/502295/FULL.
 - The development proposed is described as storage for forestry and agricultural equipment and animal feed. This would be a timber frame and wood cladded building upon a concrete base with a tin roof and barn door facing south.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Mr Richard Pearson against Swale Borough Council and that will be the subject of a separate decision.

Preliminary Matters

3. I have taken the site address and description of proposed development from the planning application form although I note these are expressed differently on other documents.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

5. The main issues raised by this appeal are: -
 - a) Whether the proposed development would represent sustainable growth and expansion of business and enterprise in the rural area and the effect of the proposed development on the character and appearance of the countryside; and
 - b) The effect of the proposed development on Best and Most Versatile agricultural land.

Reasons

Countryside

6. Policy DM3 of the Bearing Fruits 2031 – The Swale Borough Local Plan 2017 sets out a hierarchical approach to development proposals for rural based employment. It firstly seeks to locate new development at rural local service centres and urban areas. Following that, for all proposals this policy directs development to the appropriate re-use of existing buildings or the development of other previously develop land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside.
7. The proposed building is to provide secure storage for agricultural and forestry tools, including some larger machinery and tractor, associated with the applicant's tree surgery works and a local farmer. No substantive information has been provided in respect of any farming enterprise that the farmer is associated with. The building would also store equestrian feed and garden equipment. However, it is not clear whether the equine related use would benefit rural based employment. Furthermore, the storage of domestic garden related equipment would not fall within the scope of Policy DM3.
8. The site falls within a rural location. No compelling information has been provided to show that there are no other buildings or previously developed land available within the wider area that could facilitate the proposed use. The appellant contends that he intends to store agricultural equipment for activities such as copping, which is said would benefit the countryside and the environment. Nonetheless, there is no clear indication that the site would be necessary for this purposes or would support the needs of rural communities or the active and sustainable management of the countryside. I cannot clearly conclude that the location of the site is necessary to support the needs of the appellant and/or farmer, rural communities or the active and sustainable management of the countryside.
9. The site lies within the Upchurch and Lower Halstow Fruit Belt Character Area as set out within the Swale Landscape and Biodiversity Appraisal Supplementary Planning Document. Although there is some built form in the locality the prevailing character of the area is one of rural appearance and openness. Whilst having the appearance of an agricultural building the proposal would be a large structure, having a stand-alone appearance, sited within a parcel of undeveloped grass land.
10. A building of this size would represent an encroachment into the countryside and would have a visually detrimental impact upon the character and appearance of the rural landscape, particularly given a need has not been established for it to be placed at this location. As such, the intrinsic value, landscape or beauty of the countryside would not be protected or enhanced as a result of the proposed development. Although vegetation reduces the site's visibility in public views from Boxted Lane, the visual harm arising from the development would be clearly visible within this rural landscape and in views from the wider area.
11. My attention has been drawn to a housing estate that is currently under construction not far from the appeal site. Whilst it is contended that that development does not align with the principles of protecting the character,

appearance and intrinsic value of the landscape, the planning considerations pertaining to that residential development will be very different. That development offers little weight in favour of this proposal. The proposal that is before me can and should be considered on its own individual merits.

12. The appellant highlights that no local objection has been received to the proposal. Whilst this may be so, the proposal needs to be considered in terms of the wider public interest.
13. For these reasons, I conclude that the proposed development would not represent sustainable growth and expansion of business and enterprise in the rural area with the need for such a building not having been demonstrated. Furthermore, the proposal would have a harmful effect on the character and appearance of the countryside. The proposal would, therefore conflict with Policies ST3, CP4, DM3, DM14 and DM24 of the Bearing Fruits 2031 – The Swale Borough Local Plan 2017. These policies seek, amongst other matters, development to conform with the hierarchical approach to development proposals for rural based employment, to be in keeping with the character of the area and to protect and enhance non-designated landscapes.

Agricultural land

14. The site is classed as grade 1 best and most versatile agricultural land. Policy DM31 of the Bearing Fruits 2031 – The Swale Borough Local Plan 2017 seeks to protect such land. The placing of built development on this currently undeveloped land would result in the loss of a proportion of this valued agricultural land.
15. Given that I have found that the proposal would not represent a sustainable form of development in the rural area and would harm the character and appearance of the countryside, I do not agree with the appellant that the proposal would be a harmonious addition to the landscape. Furthermore, whilst the proposal is said to be intended to implement sustainable practices and integrate green spaces within the development with the aim to enhance the local environment, the proposal would result in the loss of highly valued agricultural land.
16. For these reasons, and in the absence of any convincing justification that would demonstrate a necessity to locate the storage building on this site, the proposal conflicts with Policy DM31 as such development would result in an unnecessary loss of best and most versatile agricultural land.

Conclusion

17. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR