



Appeal Decision

Site visit made on 15 July 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/V2255/W/25/3359815

Redcot, Bell Farm Lane, Minster-on-sea, Kent ME12 4JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Tracey Basanese against the decision of Swale Borough Council.
 - The application Ref is 24/503813/OUT.
 - The development proposed is outline application (with all matters reserved) for construction of 1no. three-bedroom four-person bungalow with off road parking for 2no. cars and a garden to the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, having regard to the local development strategy, including policies for coastal change;
 - Whether the proposed development would provide suitable living conditions for future occupants, with particular regard to noise and disturbance;
 - The effect of the proposed development on the character and appearance of the area, including the setting of Bell Farm Park House and Club;
 - The effect of the proposed development on highway safety, with particular regard to the provision of parking; and
 - Whether the biodiversity gain condition, as set out at Schedule 7A of the Town and Country Planning Act 1990 (TCPA) (as inserted by Schedule 14 of the Environment Act 2021) is capable of being successfully discharged.

Reasons

Whether in a suitable location

3. The appeal site comprises an area of hardstanding and outbuildings situated at the front of a parcel of land known as Redcot Caravan Park, between Bell Farm Lane and the existing dwelling of Redcot.
4. The surrounding area includes a mix of permanent dwellings and tourist accommodation, including holiday parks. The wider landscape contains agricultural land and paddocks, and the coast lies beyond Redcot Caravan Park to the north. The site is therefore within a rural, coastal location.

5. Policy ST1 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017' (SBLP) requires development accord with the SBLP's settlement strategy. For the purposes of meeting the area's development needs, town centre regeneration, supporting services, and maintaining the hierarchy of centres, the settlement strategy at SBLP Policy ST3 directs growth to the main urban centre of Sittingbourne; secondary urban centres of Faversham and Sheerness and other urban local centres within the West Sheppey Triangle; and rural local service centres and other villages with built-up area boundaries.
6. The nearest settlement to the appeal site is Minster, an 'other urban local centre' within the West Sheppey Triangle. However, the site is physically separate from Minster's built area and therefore the proposed location would not be well-related to Minster's urban framework or strategic transport network, as required by Policy ST3. Therefore, the site would not be located to support the role and function of the Borough's urban centres.
7. The appeal site is outside the built-up area boundary of any settlement and is therefore in the countryside where Policy ST3 generally restricts development, unless supported by national planning policy and where it is demonstrated 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.
8. The site is surrounded by existing development and is not isolated. To promote sustainable development in rural areas, paragraph 83 of the National Planning Policy Framework (the Framework), states that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, the appellant suggests occupants would look to the urban local centre of Minster to access services and facilities, and it is not demonstrated the proposal would contribute toward the vitality of rural communities or support village services.
9. The site is within Erosion Zone 1 of the Coastal Change Management Area (CCMA), which is defined as land between the low water mark and the 50-year indicative erosion line. The site is therefore in an area identified as likely to be affected by physical changes to the coast.
10. Within Erosion Zone 1, SBLP Policy DM23 supports development that is directly related to the coast and less permanent in nature, construction and value. In addition, Policy DM23 requires proposals within the CCMA submit a Coastal Erosion Vulnerability Assessment (CEVA) showing the development will be safe throughout its planned lifetime and will not increase risk to life or property elsewhere without the need for new or improved coastal defences.
11. The proposed development is not of a type requiring a coastal location, and therefore the proposed use is not supported by Policy DM23. The appellant asserts the proposed dwelling would be sited further inland than the host property and thus would be at lower risk. However, the proposed development would increase the number of dwellings within the CCMA and therefore would increase the population and property at risk of coastal change.
12. The proposal seeks outline planning permission with all matters reserved, and I have been provided no evidence to suggest the proposed development would be

anything other than permanent in both use and construction. No CEVA has been submitted and therefore the proposal fails to demonstrate the development would be safe over its lifetime and not increase risk to life or property.

13. The appellant suggests they would engage with coastal agencies and implement coastal erosion prevention to safeguard the proposed dwelling, such as sustainable drainage and landscaping. However, since I have not been provided full details of such measures, I cannot be certain of their efficacy in mitigating risk and ensuring the safety of the development and its surroundings.
14. As set out above the proposed development would not be located to support the role and function of the Borough's settlements or vitality of rural communities, and therefore SBLP Policy ST3 does not positively favour a development of this type in this location. However, Policy ST3 does not preclude development in the countryside where it demonstrates that it would contribute to protecting and enhancing its intrinsic value and beauty. I have assessed the proposal's effects on character and appearance below and conclude the proposed development would not harm the rural character of the area. Assessed against SBLP Policies ST1 and ST3, the proposal's effects would therefore be neutral.
15. Nevertheless, the proposed development would be located in the CCMA and would not be of a type requiring a coastal location. The proposal fails to demonstrate the development would be safe for its lifetime and would not increase risk to life or property elsewhere. Therefore, having particular regard to the local development strategy including its policies for coastal change, the proposed development would not be in a suitable location.
16. The proposal would conflict with SBLP Policy DM23 which limits development within the CCMA to reduce risk to people and development from coastal erosion.

Living conditions

17. The site comprises land within Redcot Caravan Park which has planning permission for the siting of 12 caravans. In addition, there is an existing dwelling within the caravan park site, known as Redcot.
18. The appellant indicates that the caravan park is no longer used for commercial purposes and serves only as a private residence, with the holiday park operations having ceased and caravans removed or repurposed for private storage. At time of my site visit, Redcot was occupied as a dwelling and the wider site did not appear to be in active commercial use as a caravan park.
19. The appellant suggests they intend to submit a planning application to change the use of the caravan park from commercial to residential use. However, I have been provided no details of any such application having been submitted or determined, nor any confirmation as to whether a change of use would be permitted.
20. Therefore, I cannot be certain that commercial activity has ceased permanently and that use of the site as a caravan park would not resume. I have therefore determined the appeal on the basis of its existing lawful use as a caravan park.
21. Redcot and the wider caravan park site are served by a single driveway access of concrete hardstanding with gates to Bell Farm Lane. The appeal site abuts the driveway and would be close to the gated access.

22. The access would be used by occupants of Redcot and could be used by guests of up to 12 caravans for holiday accommodation which could lawfully be sited within the wider caravan park. Therefore, there is uncertainty regarding the intensity of the use of the driveway access through the caravan park site over the lifetime of the development.
23. The appellant indicates the proposed dwelling would incorporate soundproofing measures and be strategically sited to minimise noise exposure. However, insufficient information has been provided regarding the intensity of the use of the access and the noise that would be generated, or the insulating standards of such mitigation measures.
24. Consequently, the proposal fails to demonstrate that the occupants of the proposed dwelling would not be exposed to unacceptable noise from vehicles travelling along the caravan park's access. Therefore, having particular regard to noise and disturbance, I am not satisfied the proposal would provide suitable living conditions for future occupants.
25. The proposal would therefore conflict with SBLP Policy DM14 which requires development cause no significant harm to amenity.

Character and appearance

26. The surrounding area comprises a mix of development, including permanently sited static caravans, holiday park buildings, and traditional brick-and-mortar dwellings. There are a mix of plot sizes and types and heights of boundary treatments. The area is rural in character with an informal layout and comprises buildings and structures which are mainly single-storey height and modest scale.
27. The appeal site is within the existing boundaries of the wider caravan park and would utilise its gated access. The caravan park is enclosed by tall boundary treatments including fences and mature hedges. Therefore, the proposed dwelling would not encroach into the countryside, would not be sited in a visually prominent location, and would be generally well screened from public vantage points. Moreover, any views of the proposed dwelling would be experienced within the context of other built development, including dwellings.
28. Since details of the appearance, layout, landscaping, and scale of the proposed development comprise reserved matters, I have treated the layout shown on the proposed block plan as indicative. The site is of broadly rectangular shape and has an area of 327sqm. The parking area shown on the proposed block plan would be insufficient to accommodate three or more parking spaces, as required by the Council's parking standards. However, the submitted plans suggest the proposed three-bedroom dwelling would have a modest internal floor area of 75sqm, and I have been provided no details of any minimum standard for outdoor space.
29. Once parking spaces are accounted for, the remaining garden area would be relatively small. Nonetheless, the Council consider a garden area commensurate with the size of the dwelling could be accommodated within the site. Therefore, I am satisfied that a suitable layout could be achieved to accommodate the proposed dwelling and necessary infrastructure without appearing cramped and without harm to the area's rural character.

30. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires I have special regard to the desirability of preserving listed buildings, their setting, or features of special architectural or historic interest which they possess.
31. Bell Farm Park House and Club is a grade II listed building. The building is a two storey, timber-framed weatherboarded hall house dating to the late-15th or early-16th century. It has hung sash windows with glazing bars, dormers in its tile roof, and a 17th century chimney stack with round-headed arcading. The north range dates to the 18th century and has red brick on the ground floor and tile hung above. There is a large, modern club extension to the ground floor. The building's significance is therefore derived from its historic and architectural interest.
32. The listed building is set back in its plot, behind established boundary treatments. A large, modern side projection with a long elevation and pitched roof obscures views of the building's historic features from Bell Farm Lane, with only the chimneys and part of the tiled roof visible above the height of the modern built form. Therefore, there are limited views of the listed building from the street.
33. The proposed dwelling would be wholly within the boundaries of the caravan park, enclosed by its existing boundary treatments and there is intervening modern built form between the appeal site and listed building. The physical and visual separation between the appeal site and listed building would prevent the proposed development from eroding the listed building's rural, isolated setting, and views of the listed building from public vantage points would not be materially affected.
34. There is uncertainty regarding the appearance, landscaping, layout, and scale of the proposed development since these comprise reserved matters. However, for the reasons set out above, I am satisfied the proposal would be capable of achieving a development that would not harm the character and appearance of the area and would preserve the listed building's significance.
35. Therefore, insofar as it can be determined within the parameters of the outline proposal, I am satisfied the proposal would comply with SBLP Policies ST1 and CP4 which together require proposals achieve good design through reflecting the best of an area's defining characteristics, retain and enhance features which contribute to local character and distinctiveness, and be well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.
36. In addition, the proposal would satisfy SBLP Policies DM14 and DM32 which require proposals conserve and enhance the natural and built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets, including the setting, and special interest of listed buildings.

Highway safety - parking

37. Bell Farm Lane has a narrow carriageway, a poor-quality road surface, no pedestrian facilities, and limited opportunity for on-street parking.
38. As discussed above, the parking area shown on the proposed block plan would be insufficient to accommodate three or more parking spaces, as required by the Council's parking standards. However, I have treated the layout shown on the proposed block plan as indicative at this outline stage. There would be opportunity to accommodate additional parking through revising the indicative layout.

39. Therefore, I have no reason to consider the proposal would lead to shortfall in on-site parking or affect the efficient functioning of highway, and I am satisfied the proposal would not harm highway safety.
40. Subject to the submission of details of reserved matters, the proposal would be capable of complying with SBLP Policy DM7 which requires residential development provide appropriate provision of integrated vehicle parking, taking into account the type, size and mix of dwellings.

Biodiversity Net Gain

41. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the TCPA. However, the proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of the statutory BNG condition. Therefore, the proposal does not demonstrate it would achieve at least a 10% increase in biodiversity value relative to the pre-development onsite habitat.
42. The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Therefore, development cannot commence until the BGP is approved.
43. On this basis, the PPG indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met. Rather, decision makers must consider more broadly whether the biodiversity gain condition is capable of being successfully discharged¹.
44. The site is surfaced with hardstanding, gravel and small outbuildings, and therefore is likely to be of limited existing habitat value. The appellant asserts that native plant landscaping would be provided to enhance biodiversity. However full details have not been provided so as to quantify any biodiversity enhancement.
45. Taking into account the site's low existing habitat value, I consider the biodiversity gain condition would be capable of being discharged. Consequently, whilst the proposal contains insufficient information for the purposes of the statutory BNG condition, this is not a reason to refuse planning permission.
46. Since the statutory BNG condition must be discharged prior to commencing development, I am satisfied the proposal would comply with SBLP Policy DM28 which requires development provide an overall net gain in biodiversity.

Other Matters

Presumption in favour of sustainable development

47. Whilst the written statements indicate the Council has 4.21 years supply of housing land, it is understood the Council's latest available data shows a supply of 3.98 years. The Council cannot demonstrate a five-year supply of specific, deliverable housing sites as required by paragraph 78 of the Framework.
48. In this circumstance, the provisions of paragraph 11(d) of the Framework are engaged. However, at 11(d)(i) the Framework indicates that permission should not

¹ Planning Practice Guidance, Paragraph: 019 Reference ID: 74-019-20240214

be granted where its policies that protect areas or assets of particular importance provide a strong reason for refusing the development. As set out at footnote 7 of the Framework, this includes policies relating to areas at risk of coastal change.

49. The proposed development would be in the CCMA and the requisite information to demonstrate the development would be safe over its planned lifetime and not increase risk to life or property elsewhere has not been provided. Consequently, the proposal would not accord with Framework paragraph 185, thereby conflicting with the Framework's policies that protect areas or assets of particular importance. Therefore, the presumption in favour of sustainable development would not apply.

Personal circumstances and Public Sector Equality Duty

50. As set out above, the proposal would not be in a suitable location and would not provide suitable living conditions for future occupants. The proposal would conflict with the development plan as a whole, and I attach substantial weight to these findings against the appeal.
51. The appellant is a disabled person with poor health and limited mobility and requires an accessible dwelling that would allow them to live safely and independently. The appellant indicates their current home offers poor accessibility and cannot be adapted to meet their needs.
52. It is therefore a positive consideration that the proposed dwelling would be constructed to an accessible standard to meet the needs of a disabled person. However, it is unclear why the appellant's accommodation needs could not be met by a suitable dwelling within the existing housing stock, either within the social sector or private housing market. It has not been demonstrated the construction of an additional dwelling at a plot adjacent to the existing dwelling is the only option available to the appellant, and the weight to be afforded to the construction of an accessible dwelling carries moderate weight.
53. However, in the absence of evidence to the contrary, through its location in the CCMA the proposed development would place future occupants, including a disabled person, at risk of the effects of coastal erosion and would increase risk to nearby properties and their occupants.
54. The risk to life which would be caused by this development arising from its location in the CCMA must be the decisive consideration. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the risks caused by the proposed location outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

Appropriate Assessment

55. Natural England indicates that increases in residential accommodation in the proposed location may adversely impact the integrity of the Medway, Thames and Swale Estuary Special Protection Area and Ramsar sites through increased recreational disturbance.
56. Where a proposal is likely to have a significant effect on European sites, Regulation 63 of the Conservation of Habitats and Species Regulations 2017

requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to give consent for the proposal. Since I am dismissing the appeal for other substantive grounds which result in conflict with the development plan, it is not necessary to address the proposed development's effects on European sites in further detail.

Conclusion

57. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR