



Appeal Decision

Site visit made on 29 September 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/V2255/W/25/3367384

Light Industrial Unit (Disused), Land Adjacent to Pebble Court Farm, Woodgate Lane, Borden, Sittingbourne ME9 7QB

- 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 and Mrs Michael Miller against the decision of Swale Borough Council.
 - The application Ref is 25/500162/FULL.
 - The development is described as the conversion and change of use of existing and dilapidated detached disused former light industrial workshop into a three bedroom dwelling (C3) and conversion and change of use of existing adjacent detached former associated office and store (previously hay barn) currently disused into a home office to be used for the dwelling occupier. Proposals include part demolition of existing commercial dilapidated workshop and installation of a sewage treatment plant and EV charging point.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for housing, with regard to development plan policies and accessibility to services and facilities, including the effect of the proposed development on the supply of rural employment sites in the Borough.

Reasons

3. The appeal site comprises two single-storey buildings accessed via a narrow track from Woodgate Lane, which is a narrow road providing access from Maidstone Road. The site is in a discreet location, and the parties agree that the site comprises previously development land. The proposal is for the conversion of an existing building to use as a dwelling.
4. Policies ST1 and ST3 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) set out the settlement strategy for Swale to deliver sustainable development. Policy ST3 states that by use of previously developed land within defined built up area boundaries and on sites allocated by the Local Plan, development proposals will be permitted, subject to meeting particular criteria. This reflects the approach within the National Planning Policy Framework (the Framework), which states at Paragraph 125 c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.
5. There is no dispute that the site is outside of any defined built-up area boundary. Consequently, the site is within the countryside for planning policy purposes.

Policy ST3 goes on to state that for sites in the open countryside outside the built-up area boundaries, development will not be permitted unless it meets particular criteria, including that the development would protect the vitality of rural communities.

6. Although the site is currently vacant, it has previously been used as a workshop. Policy DM3 of the LP requires that proposals for residential development will not be permitted where this would reduce the potential for rural employment unless it is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable. The supporting text for the policy sets out that even if the site or building is vacant, evidence will need to show that it is neither viable nor likely to become viable and that alternative employment uses have been robustly tested. This will also include the applicant having marketed the property for its commercial/community use for a reasonable period in a manner and at a price that reflects that use.
7. The site has been marketed and offered for sale and at auction for which an advertisement has been provided. Nevertheless, there is no substantive evidence before me detailing the extent of the marketing undertaken, including the period of time that the property was marketed, evidence of and justification for the marketing price, details of where the property was advertised and a log of any interest. Moreover, while the appellant suggests that the reuse of the building for commercial purposes would be unviable, there is no supporting evidence, including quotes from contractors, detailing the costs involved in renovating the buildings for commercial purposes. Consequently, the evidence does not adequately demonstrate that there is no demand for rural employment at the site, or that its commercial use would be unviable.
8. The appeal site is in a rural location detached from Danaway. While there are bus stops on Maidstone Road providing connections to larger settlements, including Sittingbourne, Maidstone, Newington and Faversham, the facilities within Danaway are limited. There are few everyday services and facilities within Borden, whilst the wider provision of facilities in Sittingbourne are further afield.
9. To access the bus stops and other settlements, future occupants would be required to use Woodgate Lane, a narrow, unlit track with no pedestrian footways. Given the distance that would need to be travelled along this road, it would not provide safe and suitable access to the bus stops on Maidstone Road. Moreover, it would not provide satisfactory access to the nearby settlement of Borden by sustainable modes of transport. Consequently, future occupants would be likely to travel by private vehicles, and this would therefore be unlikely to maintain the vitality of rural communities.
10. The appellant has referred me to residential development for three dwellings at The Field Barn¹ and a further development for eleven dwellings at Woodgate Lane². These two developments are close to the site but relate to the conversion of an agricultural building using permitted development rights and a proposal considered under a previous development plan. Accordingly, these developments are notably different to the scheme before me.
11. I conclude that the site is not a suitable location for the proposal having regard to development plan policy and accessibility to services and facilities. The

¹ Application reference 21/504972/PNQCLA

² Application reference 15/507804/FULL

development would therefore conflict with Policies ST1, ST3 and DM3 of the LP, as set out above.

Planning Balance

12. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the LP due to the location being unsuitable for housing and the harm to the supply of rural employment in the Borough. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
13. There is no dispute that the Council is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. The parties agree that the Council is able to demonstrate a 3.98 year supply, which is substantially below the required level of five years. Paragraph 11. d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
14. The appellant states that the dwelling would make a contribution to meeting the Council's requirements in respect of self-build and custom housing. Nonetheless, there is no substantive evidence before me that demonstrates that the Council is not meeting its requirements in this regard. Moreover, there is no mechanism before me, including a planning obligation, that would ensure that the proposed dwelling would contribute to the delivery of self-build and custom housing.
15. The proposal would deliver a single dwelling that would provide a boost to the supply of housing through the efficient use of land. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements.
16. In addition, proposal would provide social, economic and environmental benefits, including that the development would provide an effective use of previously developed land, reusing a redundant building, which is in a poor state of repair and would incorporate low energy consumption measures. The development would also provide a home office which would avoid the appellant commuting and support the rural economy. These factors weigh in the scheme's favour. However, these benefits are limited by the scale of development proposed.
17. There are no objections on highways grounds or from environmental health. Nor were there objections from neighbours. However, the lack of harm in these regards is a neutral factor which does not weigh in favour of the development.
18. The proposal would lead to an enhancement of the existing building and would incorporate low energy consumption measures. The development would also provide a home office which would avoid the appellant commuting and support the rural economy. These factors weigh in the scheme's favour. However, given the

small size of this contribution these matters carry limited weight in my assessment.

19. In the particular circumstances of this case, I have concluded that the proposal would not be a suitable location for housing, would harm the supply of rural employment sites and would conflict with the relevant policies of the development plan and the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development.

Swale Special Protection Area

20. The site is within 6 kilometres of the Swale Special Protection Area (SPA). The SPA is identified as being of international importance for the breeding, wintering or the migration of rare and vulnerable species of birds and has been designated for overwintering, on-passage and breeding birds. The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) requires me as the decision maker to undertake an Appropriate Assessment where there are likely significant effects from the proposal, either alone or in combination with other plans or projects, on the integrity of the sites.
21. The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) aims to deliver strategic mitigation necessary to avoid likely significant effects from recreational disturbance. The mitigation is secured through a financial contribution. While the appellant has indicated that a financial contribution would be made in accordance with the SAMMS, there is neither a completed planning obligation securing the payment, nor confirmation that a payment has been made. However, as I am dismissing the appeal on other matters, there is no need for me to consider this matter further or for me to undertake an AA in accordance with the Habitats Regulations.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR