



Appeal Decision

Site visit made on 1 October 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Appeal Ref: APP/V2255/W/25/3365056

Cowstead Farm, Queenborough Road, Halfway, Kent ME12 3RL

- 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 Sheppey Gateway Ltd against the decision of Swale Borough Council.
 - The application Ref is 24/503740/FULL.
 - The development proposed is demolition of the existing farmhouse and erection of 6no. dwellings with associated access, parking and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has confirmed that in respect of the fourth reason for refusal, the term 'designated' was included in error, and that only non-designated heritage assets are relevant in the consideration of this case. Based on the evidence before me, I can find no reason to disagree. Consequently, Policy DM32 of the Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017 (LP) which relates to development involving listed buildings, is not relevant to the consideration of this case.

Main Issues

3. The main issues are:
 - whether the appeal site is in a suitable location for new dwellings, having regard to the spatial strategy for the area and the accessibility of services and facilities by sustainable modes of transport;
 - the effect of the proposal on the character and appearance of the immediate area;
 - the effect of the proposal on the farmhouse as a non-designated heritage asset;
 - the effect of the proposal on wider landscape character; and
 - the effect of the proposal on the Important Local Countryside Gap (ILCG) designation.

Reasons

Location

4. There is no dispute between the parties that, whilst in close proximity, the appeal site is located outside of any designated settlement boundary identified in current local planning policies and is therefore in the open countryside for the purposes of the development plan. Policy ST3 of the LP states that in the open countryside, 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. I will return to matters of landscape and character and appearance later in my decision.
5. The appeal site is located in close proximity to a roundabout. On the other side of the roundabout is a large commercial area including various commercial units, supermarkets, food outlets and other leisure and retail units. I noted the presence of a separate footpath and cycleway directly outside of the appeal site. However, I also noted that it did not provide a direct connection to the nearest commercial area identified above. Consequently, anyone wanting to walk or cycle would have to use the roads which, whilst only a snapshot in time, were busy during my site visit and included a dual carriageway. Given the nature of the roads, I do not find that it would be safe for pedestrian movements, nor do I think it would be inviting to many as a cycle route.
6. I understand that planning permission was approved in March 2025 for a supermarket to the other side of the adjacent roundabout. I am also referred to a site outside the settlement boundary to the south of the appeal site where planning permission was granted in January 2025 for commercial development including a drive-thru and restaurant. Through both of these schemes it appears that additional footpath/cycleway connections would be provided along with bringing some services and facilities closer to the appeal site. The appellant asserts that development has commenced on these schemes, although I did not witness any significant works, whilst on site. Nevertheless, based on the current circumstances, I do not find it likely that people would walk or cycle to these nearest services and facilities from the appeal site.
7. I acknowledge that there is a Public Right of Way to the west of the appeal site that leads from Queenborough Road to the settlement of Halfway Houses, however this route takes you across agricultural fields and would not necessarily be that accessible to many, particularly those with mobility issues, or during inclement weather or hours of darkness.
8. The existing separate footpath/cycleway continues east from the appeal site all the way to Minster on Sea. The distance to services and facilities within Minster on Sea, which would be needed to meet day to day needs, would be relatively far and as such may put off regular access by pedestrians or cyclists. I am referred to a development located on the edge of Minster on Sea, which would provide a convenience store and community facility in closer proximity to the appeal site. Nevertheless, whilst I witnessed that development was underway during my site visit, I have no timescale before me to suggest when these new facilities would be delivered.

9. I am referred to the presence of a bus stop within 50 metres of the appeal site, although I did not witness this during my site visit. I am not provided with any details of the frequency of bus services serving that bus stop. I did note the presence of a bus stop on Sheppey Way to the south of the appeal site and whilst this would be accessed by a separate footpath, it would be a fair distance to walk to access a bus service, which I am told only runs every 1 to 2 hours. As a result of the distance, I do not find that the bus services from this stop would be an attractive option for many. As part of one of the approved schemes identified above, an additional bus stop would be provided on Sheppey Way, in closer proximity to the appeal site, nevertheless, this is not yet in operation. The nearest train station is some distance from the appeal site, and I am not provided with any information that the bus service would provide a connection to it.
10. Whilst I accept that the appeal site would not be significantly removed from services and facilities in terms of distance, I do not find, based on the current circumstances, that they would be adequately accessible by sustainable modes of transport. Consequently, I find that future occupants would be heavily reliant on the private car. I accept that this situation is likely to change in the future, given the type of developments approved in the vicinity of the appeal site. Nevertheless, until that infrastructure is in place I cannot attribute any significant weight to those improvements or the opportunities for the use of sustainable modes of transport that may arise from them.
11. I do not find that the Council granting prior approval schemes for the conversion of the adjacent agricultural buildings confirms that the appeal proposal before me now would be in a suitable location. The re-use of existing buildings and the prior approval process are subject to different material considerations and are therefore not directly comparable.
12. I therefore find that the appeal site would not be in a suitable location for new dwellings, having regard to the spatial strategy for the area and the accessibility of services and facilities by sustainable modes of transport. As such, it would be contrary to Policies ST1 and ST3 of the LP insofar as they seek to ensure development is located primarily in main urban areas and larger villages for the more convenient location of jobs, homes and services, alongside more sustainable transport choices. It would also conflict with Policy SP2 of the LP, which although not referred to in the reason for refusal, is referred to in the Officer Report and also promotes access to sustainable forms of transport.

Character and appearance

13. The appeal site comprises a traditional farmhouse with associated garden area. To the north and east of the appeal site are a number of agricultural buildings that were once associated with the farmhouse, one of which has already been converted to residential use. Beyond the appeal site and the adjacent agricultural buildings is open countryside. To the south of the appeal site is fairly significant local road infrastructure including a roundabout. Given the appearance of the traditional farmhouse and the fairly large grounds in which it sits, it provides for a sense of spaciousness that responds positively to the rural character and appearance of the surroundings.
14. Provision of six new dwellings in place of the farmhouse would result in significant additional built form which would be spread across the appeal site, including

across the currently undeveloped garden area. This would erode significantly the spaciousness of the appeal site which contributes significantly to its rural character.

15. Whilst I note that design influences may have been taken from built form in the surrounding area, many of the examples provided in the submitted Design and Access Statement do not reflect development in a rural setting akin to the appeal site. The design approach does not reflect the character and appearance of the existing farmhouse nor is it clear that it takes any significant design cues from the adjacent agricultural buildings or other more rural developments in the local area. Consequently, the amount of development, the design proposed and its arrangement within the site would appear as a more urban development, rather than respecting the traditional farmstead character that is currently present. This would be incongruous with the rural character and appearance of the area.
16. The sub-division of the site and the provision of boundary treatments and other domestic paraphernalia would have a significant urbanising effect also, highlighting the intensification of the domestic appearance of the site. As a result of the amount of development identified and in particular the layout proposed with development being centred around an internal courtyard, the visual connection between the appeal site and the adjacent agricultural buildings would be significantly eroded.
17. It is asserted that the conversion of one of the adjacent agricultural buildings to residential use and the other schemes granted by the Council for further conversion schemes will alter the use of the site, making it a group of dwellings, rather than being in agricultural use. Whilst I accept the use may change, the conversion of existing buildings which respect the rural character and appearance of the area are not justification for a new development of the scale, arrangement and design proposed on the appeal site.
18. I find that the proposal would result in significant harm to the character and appearance of the area. The proposal would be contrary to Policies ST1, ST3, CP4 and DM14 of the LP. These policies seek, amongst other things, that developments achieve good design, that they contribute to protecting and, where appropriate, enhancing the beauty of the countryside and reflect the positive characteristics and features of the site and locality.

Non-designated heritage asset

19. There is no dispute between the parties that the farmhouse is a non-designated heritage asset (NDHA). Paragraph 216 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of an NDHA should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The farmhouse is a detached two storey dwelling constructed of yellow stock brick with red brick detailing and a slate roof. Timber sash windows are still present along with simple timber external doors. A date stone is present on one of the elevations, citing the year 1883. The submitted Built Heritage Statement (BHS) identifies that much of the internal space has been modernised at some point. Externally, the farmhouse appears distinctly traditional and rural in character. The adjacent agricultural buildings, of which Barn 3 is also an NDHA, are of varying

ages and character, nevertheless, they have a legible association with the farmhouse both visually and in terms of an historical functional link.

21. I find that the significance of the farmhouse is derived from its local historic and architectural interest, being an example of a smaller farmhouse from the late 19th Century. The significance of the farmhouse also stems from its setting including the wider farmstead and the surrounding rural landscape.
22. The appellant asserts, through the BHS that the level of significance is limited in this case, in part due to the late 19th Century date, the use of very common materials and construction methods and simple design along with the substantial material deterioration of the building and the need for significant replacement of built fabric to reinstate the residential use.
23. I accept that the internal elements of the building have been altered over time and original features such as the kitchen and fireplaces may have been removed. Nevertheless, during my site visit I noted that the external elements of the building appeared largely unaltered. The farmhouse appeared to be of a distinctly rural design which provides local historic value. Whilst the road infrastructure and the nearby commercial development to the south do not contribute to the setting of the appeal site in a positive way, the farmhouse is still clearly experienced alongside the adjacent agricultural buildings, including Barn 3, and the surrounding rural landscape. This means that the historic links to the former use of the wider site remain understood. I therefore find that the significance of the NDHA is important.
24. The demolition of the farmhouse would result in the loss of the entire historic fabric of the building and as such it would result in considerable harm to the NDHA. In addition, the previous functional connection between the traditional farmhouse and the adjacent agricultural buildings, which still read as a group of buildings, which appear as a congruent feature of the open countryside, would no longer be evident.
25. I understand that the farmhouse has not been lived in for some time. The appellant asserts that in order to bring the farmhouse back into use it would require extensive works including underpinning and that the majority of the historic fabric would need to be replaced. I witnessed the presence of cracks in the external elevations during my site visit and I have no reason to consider that the work identified would not be necessary. Based on the likely Gross Development Value, development costs and other costs identified in the submitted Financial Viability Note (FVN), the residual land value, following the refurbishment works identified, would be in excess of -£200,000. Therefore, whilst the building would not be beyond repair, it is unlikely that the renovation of the existing farmhouse would be financially attractive to many. There is no robust evidence before me which refutes the findings of either the submitted Structural Survey or the FVN.
26. In conclusion, the proposal would result in the total loss of the NDHA which would result in considerable harm to its significance. The proposal would therefore be contrary to Policy CP8 of the LP which seeks, amongst other things, that developments sustain or enhance the significance of non-designated heritage assets and their settings in a manner appropriate to their significance. However, taking into account the current structural issues and the viability information provided, with regard to reinstating the residential use of the site, I attribute moderate weight to the conflict with Policy CP8 of the LP.

Wider landscape character

27. Turning now to consider the effects on the wider landscape. The site is not within a designated landscape, as defined under Policy DM24 of the LP, although its character is identified in various landscape character studies which are referred to in the submitted Landscape and Visual Appraisal August 2024 (LVA).
28. The appeal site is within the LCA Central Sheppey Farmlands character area, as identified in the Swale Landscape Character and Biodiversity Appraisal Supplementary Planning Document Revision A November 2011 (SPD). The SPD states that villages, hamlets and farms are scattered across the area and are mostly in keeping with its rural character. It goes on to state that insensitive modern residential and holiday developments are poorly integrated and intrusive and generally have an urbanising effect. The condition of the landscape is described as generally poor and the sensitivity identified as moderate. The aims set out in the SPD for this character area are encouraging restoration and the creation of new landscape features.
29. I agree with the findings of the LVA that in longer views, where visible, the proposal would be seen in the context of the adjacent agricultural buildings and in some cases the nearby commercial development. I accept that the road infrastructure outside of the appeal site has altered the setting to some extent with the roundabout, lighting columns and signage being a fairly prominent feature in the locality. I also note that if implemented, the approved schemes in the vicinity will also alter the wider surrounding context.
30. The appeal proposal would be contained within the confines of the existing site and would not extend out onto surrounding agricultural land. There is already a degree of screening through boundary treatments and planting, albeit there are fairly obvious gaps in this currently. Nevertheless, the enclosure of the site is established already visually.
31. Hedgerow and boundary treatment planting is proposed along the southern and western boundaries, along with tree planting within the eastern areas of the site to provide mitigation. The LVA suggests that for the type of development proposed, this type of mitigation would result in a moderate adverse effect on site character initially with a minor adverse effect within 5 years of the development being completed. I agree with the findings of the LVA that the visual effects would be largely localised and that as tree and boundary planting is established the wider impacts would reduce.
32. Policy DM24 states that non-designated landscapes will be protected and enhanced and planning permission will be granted subject to 1) the minimisation and mitigation of adverse landscape impacts; and 2) when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.
33. Given my assessment above, I find that adverse landscape impacts would be minimised and mitigated, mainly through containing the development within the confines of the existing site and the provision of the proposed landscaping scheme. As such, the second criteria set out under Policy DM24 of the LP is not applicable in this case.

34. In conclusion, the proposal would appropriately minimise and mitigate the impact on the wider landscape character and therefore it would not be contrary to Policy DM24 of the LP, the aims of which are set out above. My findings on this matter do not override my concerns about the effect of the proposal on the character and appearance of the more immediate surroundings.

The ILCG designation

35. The appeal site is located within the ILCG. Policy DM25 of the LP states that the role of ILCG is to retain the individual character and setting of settlements with the policy text referring to a number of purposes which are set out at paragraph 7.7.34 of the LP. The purposes include maintaining the separate identities and character of settlements by preventing their merging, safeguarding the open and undeveloped character of an area, preventing encroachment and piecemeal erosion by built development or changes to the rural open character along with influencing decisions on the longer term development of settlements through the review of planning policies.
36. I find that the proposal would maintain the separate identities and character of the nearby settlements, given the containment of the proposal within the existing site and that the undeveloped nature of the surroundings which provides the gap between the settlements would be retained.
37. Nevertheless, I have found that the proposal would result in the intensification of built form on the appeal site resulting in the loss of a more open and undeveloped area and that the proposed built development would change the rural open character. As such, the proposal would be at odds with two of the purposes of the ILCG, as defined in the supporting text at paragraph 7.7.34 of the LP.
38. In conclusion, there would be some conflict with the purposes of the ILCG, which are directly referenced by the policy and therefore the proposal would be contrary to Policy DM25 in respect of the ILCG designation. However, I have found that the proposal would not harm the ILCG in terms of contributing to the merging of settlements, given the identities and character of the nearby settlements would be maintained. Therefore, I attribute limited weight to the conflict with Policy DM25 of the LP.

Other Matters

39. The existing access would be retained, and sufficient parking and cycle storage would be provided. No concerns are raised about bin storage or drag distances for refuse collection. The proposed dwellings would not be at any significant risk of flooding and no significant sources of contamination have been identified. The proposal would result in sufficient living conditions for future occupants of the scheme and there would not be any significant effects on the living conditions of neighbouring or nearby occupiers. A lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal.
40. I note that the scheme before me now sought to resolve issues raised previously when a previous application for a similar development was refused by the Council. Be that as it may, I must consider the appeal on its individual merits.
41. The appeal site lies within the zone of influence of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar, the Swale Estuary SPA and

Ramsar and the Thames Estuary and Marshes SPA and Ramsar. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require where a plan or project is likely to result in a likely significant effect on a designated habitats site, a competent authority is required to make an appropriate assessment (AA) of its implications on the integrity of the site, in view of its conservation objectives.

42. I note that the appellant has submitted a unilateral undertaking which responds to mitigation requirements identified by the Council in this regard. However, regulation 63(1) of the Regulations indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my findings above, it has not been necessary to address this in any further detail. This matter weighs neither for, nor against the proposal.

Planning Balance

43. Whilst the LP is more than five years old, paragraph 232 of the Framework makes it clear that the weight attached to any conflict with the development plan does not hinge on its age, but on the degree of consistency with the Framework.
44. As identified above, I have found that the proposal would be contrary to Policies ST1, ST3 and CP2 of the LP in relation to its location and Policies ST1, ST3, CP4 and DM14 of the LP in relation to character and appearance. I have also found that it would be contrary to Policy CP8 of the LP with regard to the non-designated heritage asset and Policy DM25 of the LP with regard to the ILCG, albeit I have attributed moderate and limited weight to the conflict with these policies.
45. Although I have not identified conflict with Policy DM24 of the LP in relation to the wider landscape impact, the proposal would be at odds with the policies set out above. As such there would be conflict with the development plan as a whole.
46. The principle of directing development towards locations with good access to services and facilities, avoiding reliance on travel by the private car, reflects expectations in the Framework as does the need for good design and making sure developments respect local character. The Framework also identifies the desirability of sustaining and enhancing the significance of heritage assets and that new development making a positive contribution to local character and distinctiveness should be taken account of. The Framework also sets out that the intrinsic character and beauty of the countryside should be recognised. Consequently, when considered against the relevant provisions of the Framework, in the context of this particular case, the conflict with the development plan carries significant weight.
47. There is no dispute between the parties that the Council cannot currently demonstrate a sufficient five year housing land supply. The appellant states that the current figure, based on information provided by the Council, is 3.98 years. The Council do not contest this figure. Therefore, the approach set out in paragraph 11d) of the Framework is applicable.
48. The proposal would see the redevelopment of a vacant small site on previously developed land, providing six new dwellings, built to modern standards. The proposal would also result in economic benefits during the construction phase and after with future occupants supporting the local economy. Whilst the scheme would

contribute to boosting the supply of housing in line with the Framework requirements, given the limited scale of the scheme, the benefits would be moderate.

49. The appellant's intention is to deliver highly energy efficient dwellings through a comprehensive sustainability and renewable energy strategy. Electric vehicle charging points are proposed for all dwellings. In terms of environmental benefits, the scheme would provide additional landscaping, green roofs on the car barns and ecological enhancements, including an overall biodiversity net gain of 11%. Due to the scale of the proposal, any environmental benefits in these respects would be limited.
50. However, I find that in this case, the adverse impacts of the development on the character and appearance of the area would be significant, and alongside the reliance on travel by private car, the harm 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 and securing well-designed places. Therefore, the proposal does not benefit from the presumption in favour of sustainable development following an assessment under paragraph 11d) ii. of the Framework.
51. Consequently, even if I were to find that the proposal did not conflict with paragraph 11d) i. of the Framework and there were no strong reasons for refusal relating to habitats sites, this would not alter my conclusions in relation to paragraph 11d) ii. of the Framework set out above.

Conclusion

52. The proposal conflicts with the development plan, when considered as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

G Dring

INSPECTOR