



Appeal Decision

Site visit made on 29 March 2023

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/V2255/W/22/3298519

Dickens Inn, Fourth Avenue, Eastchurch, ME12 4EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs B W Trask against the decision of Swale Borough Council.
 - The application Ref 21/504668/FULL, dated 19 August 2021, was refused by notice dated 12 November 2021.
 - The development proposed is 6no. holiday cottages in a single block together with associated parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed holiday cottages would be in a suitable location having regard to relevant development plan policies;
 - The effect on the character and appearance of the surrounding area; and
 - Whether adequate provision would be made for on-site parking and whether there would be any impact on highway safety.

Reasons

Location

3. The appeal site is an unused plot of land fronting Warden Road near to The Dickens Inn. It is adjacent to a bungalow and there is an extensive holiday park to the rear. Built development along this section of the road is fairly sporadic and the land on the southern side is largely farmland. The proposed development would be outside any built-up area boundary.
4. As such, the site is within the open countryside for policy purposes. This is where development will not usually be permitted according to Policy ST3 of the Swale Borough Local Plan. However, there is an exception if it is supported by national planning policy. Proposals should also contribute to protecting the countryside and the vitality of rural communities. The site is within a Holiday Park area where the upgrading and improvement of existing static holiday caravan and chalet sites is supported by Policy DM4. However, the proposal is not for a new holiday park or an extension to an existing one and therefore the provisions of that policy do not directly apply.

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5. Nevertheless, the appeal site is in an area where some types of holiday accommodation would find favour. In addition, Policy DM3 establishes that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. This reflects paragraph 84 a) of the National Planning Policy Framework which also mentions new buildings. For tourism and leisure, Policy DM3 refers to an expansion of tourist and visitor facilities in appropriate locations, where identified needs are not being met by existing facilities in the locality or where they are able to increase facilities available to local communities. Therefore, as accepted by the Council, the policy background potentially allows for new tourist accommodation on the site.
6. The Council is concerned that the design and layout of the holiday units means they would be capable of occupation as dwellings. However, conditions could be imposed to limit the use and there is no evidence from elsewhere on the Isle of Sheppey of irresistible pressure to convert holiday units to dwellings. In any event, the proposal should be considered as submitted.
7. The appellant has provided a business case but this does not show a clear unmet need and market for the proposal as there is no information about demand. However, the Tourism Officer is broadly supportive and notes that this sort of development will have its place in the holiday mix due to the greater recent emphasis on domestic tourism. There is therefore sufficient evidence that the proposed new build holiday accommodation would fill a gap in existing provision and so be compatible with the thrust of Policies DM3 and ST3. As such, the proposal would be in a suitable location having regard to relevant development plan policies.

Character and appearance

8. The proposed units would be in a single building with a barn-like appearance and featuring a catslide roof to the front elevation. The design takes its inspiration from barns found in Eastchurch and from the factories and sheds connected with the local history of aviation. However, to the casual observer such links would be entirely tenuous due to the absence of recognisable agricultural buildings or aircraft related structures in the vicinity.
9. Because of its bulky roof, overall scale and position close to the road well forward of the adjoining bungalow, the proposal would be prominent in the local scene. As it would be unrepresentative of existing built development nearby, the building would be an unexpected and alien intrusion. There is no objection solely on the basis that the proposal would be visually superior to the mobile homes and chalets to the rear. However, it would not reflect the surroundings where buildings generally have a simple, domestic appearance. The proposal would impose an artificial and contrived design approach that would be wholly out of place in its setting.
10. Although the proposal would be a building of rural character and would screen views into the holiday park, this does not overcome the objection identified. Therefore, the character and appearance of the surrounding area would be harmed. Policy DM3 expects new buildings to be appropriate to their context but that would not be the case. The expectations in Policy ST3 regarding the protection of the countryside would also be failed.

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Parking

11. One vehicle parking space would be laid out at the rear of each cottage with any overspill accommodated within the car park of the public house. Such an arrangement is entirely feasible and there is no evidence that this area is regularly full. Furthermore, those staying at the cottages would presumably be advised in advance of the availability of a single dedicated space and would be likely to tailor their travel arrangements accordingly. Therefore, the likelihood of pressure to park along Fourth Avenue or Warden Road would be very small.
12. Local Plan Policy DM7 indicates that the County Council's vehicle parking standards will be applied to new development proposals and Policy DM14 has similar expectations. The standards were published in 2006 and so are now dated. They set a maximum of two spaces per dwelling and so would not strictly be breached as they refer to maxima. Even if the proposed provision is treated as contrary to these policies there would not be an unacceptable impact on highway safety.

Other Considerations

13. The proposed development would upgrade the general quality of holiday accommodation that is found in this part of Sheppey. This would potentially increase the range of tourists attracted to the area and would be economically advantageous as visitors would be likely to spend locally. Furthermore, the units would help a food and drink business to diversify. Meals and day-to-day management would be provided from the public house. It is stated that the extra revenue from the holiday units would enable The Dickens Inn to continue to operate which, in turn, would benefit the local community and visitors alike. However, no financial evidence has been given to support that claim.
14. Nevertheless, the Framework indicates that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs. Moreover, the pandemic has highlighted the importance of developing financial resilience and the entertainment sector has been hard hit. However, the importance to be given to such considerations in this case is tempered by the prospect that holiday units could be developed in a building that was better suited to its surroundings.
15. The appellant's habitat appraisal shows that this would be a low ecological impact proposal and makes recommendations for enhancements. The original objection on biodiversity grounds has therefore been addressed.

Final Balance

16. The proposal would harm the character and appearance of the surrounding area. Consequently, it would fall foul of policies concerned with the rural economy and with the settlement strategy and would not accord with the development plan as a whole. The benefits of providing additional tourist accommodation on Sheppey would be significant but they are not of sufficient strength to outweigh the harm identified and the development plan conflict.
17. The appellant has completed a unilateral undertaking which secures a payment to mitigate the detrimental impact arising from recreational disturbance to birds at the Swale, Thames and Medway Estuary Special Protection Area. However, as the appeal is to be dismissed, there is no need to consider

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whether this would be effective or to undertake an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations.

Conclusion

18. For the reasons given above, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR