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## Appeal Decision

Site visit made on 24 April 2023

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

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**Appeal Ref: APP/V2255/W/22/3292612**

**Land North of Warden Road, Eastchurch, Kent, ME12 4EN**

- 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 Mrs Pearson against the decision of Swale Borough Council.
  - The application Ref 21/504369/FULL, dated 5 August 2021, was refused by notice dated 14 December 2021.
  - The development proposed is change of use of land and the siting of 4no. specialist residential mobile homes for occupation by persons over 55 as well as associated works to provide infrastructure, access and landscaping.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are whether the site is suitable for the proposed development, having regard to the spatial strategy of the development plan, and the effect of the proposed development upon the rural character and appearance of the site and surrounding area.

### Reasons

3. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan) has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states *"At locations in the countryside, outside the built-up area boundaries as shown on the Proposals Map, 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"*.
4. The location of the site would be outside any established built-up area boundary and is in a countryside location. Therefore, the appeal site would not be an appropriate location for residential development despite it being only approximately 450 metres beyond the built-up boundary of Eastchurch.
5. The site is a grass field located at the junction between First Avenue and Warden Road. The site has in the past been used as a paddock for the grazing of horses. To the north side of Warden Road there is sporadic residential development and caravans with undeveloped areas of land interspersed. There is also a large holiday park complex further north east of the site.

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6. The site lies within the 'Greater Thames Estuary' National Character Area (NCA 81) as identified by Natural England. The site also falls within the 'North Sheppey' Landscape area within Kent County Council's 'Landscape Assessment of Kent'. Otherwise, the site is not subject to any specific landscape designations. The appellant's statement contains a landscape and visual impact assessment. This contends that the landscape change, as a result of the development of the land, when viewed from First Avenue and Warden Road would be 'low' and that the site context is 'heavily developed and of relatively low sensitivity to change' given the other development close by.
7. Although there is loose knit development in the area, the wider landscape area south of Eastchurch is predominantly rural. The area is sparsely populated by permanent forms of housing within the otherwise undeveloped open countryside. The site's open undeveloped character forms part of the land's distinctive quality, even if not of high scenic beauty when taken on its own individual merit. Despite there being some dwellings, caravans and other development in the locality, the site is open and undeveloped and, as such, hosts those attributes of the countryside. The site is visually separated from nearby developments by vegetation along the site boundaries. The site does not appear as part of a built-up area, rather it assimilates with and forms part of the wider rural landscape. Therefore, I do not agree with the appellant that the proposal would represent a natural extension of the existing uses that about the site.
8. The proposal would create a development of urbanised appearance with park home style structures set within formalised domestic plots, with access road and parking areas. This would substantially alter the character and appearance of this location and would diminish the intrinsic value of the rural landscape. For this reason, the proposed development would be visually harmful.
9. The development would be visible from the adjacent highways and the vegetation that surrounds the site would only provide partial screening, as can be seen from the photographs provided by the appellant. The urbanising nature of the development would also be visually apparent in views from the access to the site. Whilst the site may not be readily visible from Public Rights of Way in the locality, the lack of clear public views towards the site from these routes and/or augmenting the vegetation around the site would not constitute exceptional justification for the development.
10. For these reasons, the site would not be a suitable location for the proposed development, having regard to the spatial strategy of the development plan. Furthermore, the proposed development would be harmful to the rural character and appearance of the site and surrounding area. The proposal would therefore conflict with Policies ST1, ST3, ST6 and DM14 of the Local Plan that seek, amongst other matters, development to provide new homes in accordance with the settlement hierarchy for the Borough and to protect the tranquillity and beauty of the countryside.
11. Both parties have referred to a Council report "interim planning policy statement for park home sites". There is difference between parties as to whether this should be applied in respect of this case and the weight to be afforded to the report. However, the Council have not relied on this report in reaching its determination.

**Planning Balance**

12. The Council have indicated that there is not a five-year supply of deliverable sites in place. This reduces the weight to be applied to Local Plan Policy ST3 and triggers the engagement of paragraph 11d)ii of the National Planning Policy Framework (the Framework). Furthermore, the appellant contends that the Council's housing land site shortfall may be more acute than the Council sets out.
13. The adverse impacts arising from the proposal relate to the unsatisfactory location of the development and its harmful effect on character and appearance of the site and the countryside. This brings the proposal into conflict with relevant development plan policies.
14. On the other hand, the Government's objective is to significantly boost the supply of homes and recognises that windfall and cumulative impact of developing small sites can help meet supply and can be built out quickly. These are benefits of the proposal.
15. The proposal would bring about social benefits through the provision of accommodation which is for occupation by older persons. The Council advises that there is a growing need and demand for older persons accommodation that is more affordable than conventional housing and is in short supply. The units would provide single storey accommodation that could be accessible and adaptable for those with mobility needs. The park home style units could be designed to be suitable for year-round residential occupation. The form of accommodation would allow older persons an opportunity to downsize. These are also benefits of the proposal.
16. The site would be in a location close to the services and facilities at Eastchurch, which is accessible both on foot and by bus, with the bus service also providing links to other settlements further afield. The proposal would support businesses and services through local spend, as well as provide local jobs during the construction phase. These are further benefits of the proposal.
17. Nonetheless, even if the Council's housing land supply situation is acute, the harm that I have identified relating to the unsatisfactory location of the development and its harmful effect on character and appearance of the area are not outweighed by the contribution to housing land supply or those social and economic benefits associated with the proposal.
18. I have carefully considered the development as a scheme for those aged 55 years and over. However, being a development for older persons does not alter the spatial strategy of the development plan. Although there is support for meeting the housing needs for different groups in the community within the Framework, this does not diminish other aspects of the development plan and the Framework that seek to deliver homes at appropriate locations.
19. Consequently, the adverse impacts of the site's location and its impact upon the character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

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### **Other Matters**

20. The Council have identified that the development would result in a net increase in residential accommodation at the site that may result in increased recreational disturbance to the Swale Special Protection Area. I note a completed unilateral obligation has been provided that would seek to secure bird protection measures. Notwithstanding this, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

### **Conclusion**

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

*Nicola Davies*

INSPECTOR