



Appeal Decision

Site visit made on 21 October 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/V2255/W/25/3364501

Land adj. Rides House, Warden Road, Eastchurch, Kent ME12 4HA

- 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 Mark Ball against the decision of Swale Borough Council.
 - The application Ref is 24/505000/FULL.
 - The development proposed is the construction of two detached single-storey bungalows.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal site is located within 6km of the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appellant has provided a financial contribution towards the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy for off-site mitigation. This has been confirmed by the Council.
4. The appeal site previously accommodated two agricultural buildings, which were granted Prior Approval for conversion into two dwellings in 2020¹. Full planning permission was then also granted for their conversion to form two single residential dwellings in 2023².

Main Issues

5. The main issues are:
 - whether the proposed dwellings would be in a suitable location having regard to relevant development plan policies; and
 - the effect of the proposed development on the character and appearance of the area.

¹ Application Ref: 20/501903/PNQCLA.

² Application Ref: 21/501243/FULL.

Reasons*Suitable location*

6. The site lies beyond any defined settlement boundary, within a dispersed cluster of buildings on Warden Road. Policies ST1, ST3 and CP3 direct most new housing to the main urban centres and larger rural settlements and seek to restrict development in the open countryside. The proposal would thus be at odds with the policies that govern the spatial distribution of development in the borough.
7. Policy CP2 promotes sustainable patterns of growth by reducing the need to travel and locating housing where there is convenient access to services and facilities. The appeal site is some distance from shops, schools and other day-to-day services, with no continuous footways or regular public transport to larger nearby settlements. In this context, occupiers would be highly dependent on private vehicles, contrary to the development plan's aim of focusing housing in sustainable locations and the aim of Policy CP2 to promote sustainable transport.
8. Earlier permissions at the site allowed the conversion of existing agricultural buildings. Those approvals were based on the re-use of existing structures, which is treated differently in both national and local policy. Following their demolition, there is no structure capable of conversion and no realistic fallback. The current proposal therefore amounts to new-build housing in the countryside, which is not supported by the spatial strategy.
9. Given this, the proposal would not be in a suitable location having regard to relevant development plan policies. The proposal would therefore conflict with Policies ST1, ST3 and CP2 of the Swale Borough Local Plan (the 'Local Plan'), insofar as they seek to ensure the settlement strategy is adhered to and new housing is directed to sustainable locations.

Character and appearance

10. The appeal site occupies part of the former Rides Farm yard. It is an irregular backland plot reached by a narrow access road between existing buildings. The ground is rough and largely covered by concrete slabs, rubble and overgrown vegetation, enclosed by timber fencing. The surrounding landscape remains open and agrarian, with widely spaced dwellings and farmsteads scattered along Warden Road. The pattern of development here is loose and transitional, set within open countryside.
11. The two new bungalows would occupy the site which has been cleared of the former agricultural buildings. Their symmetrical side-by-side arrangement, domestic gardens, parking areas and boundary enclosures would introduce a suburban form of development that would contrast with the more sporadic and functional pattern of surrounding buildings. The scheme would consolidate built form across the width of the site and erode the sense of openness that contributes to the area's rural character.
12. The appellant describes the proposed dwellings as modest and sensitively designed with vernacular architectural elements. Although they contend the dwellings would not be visually intrusive, the suburban plot arrangement, tight-knit volume of development, shared parking and enclosed gardens would be readily perceived as out of keeping with the looser, farmstead-derived pattern of

surrounding buildings. The use of sympathetic materials would not overcome the visual impact of the development.

13. I recognise that the wider area contains both rural buildings and residential properties. However, those properties are mostly dispersed and individually sited within large plots, maintaining green gaps and a strong sense of spaciousness. In contrast, the proposal would infill the plot and introduce an excessive amount of built form across the width of the site. The site would thus appear overly urbanised, increasing the density of development in this location, which would harm the loose and open rural character of the area.
14. The appellant refers to previous residential permissions and suggests the proposal is a logical and acceptable progression of the site's development. However, those earlier consents related to the conversion of existing agricultural buildings. With those structures now demolished, the visual context has materially changed. The layout and appearance of the new-build dwellings, on cleared ground, would not continue the form or character of the approved conversions.
15. The earlier approvals were different in both form and impact. They retained the overall footprint, massing and rural typology of the agricultural structures, preserving the appearance of simple, rural sheds set within a loose farmyard arrangement. Their conversion would have resulted in a subdued, low-key presence that respected the site's origins. By contrast, the current proposal introduces two entirely new suburban-style bungalows, representing a shift from an agricultural character to a fully domestic one. The resulting pattern of development would be more consolidated, appearing materially more intrusive within the rural backdrop.
16. Consequently, the proposed development would have an adverse impact on the character and appearance of the area. It would conflict with Policies CP4 and DM14 of the Local Plan insofar as they seek to ensure that proposals protect the intrinsic value and beauty of the countryside and ensure that development is appropriate to its setting.

Other Considerations

17. The Council acknowledge that they cannot demonstrate a 5-year supply of deliverable housing land. Consequently, because of the provisions of footnote 7, paragraph 11 d) of the National Planning Policy Framework (the 'Framework') is engaged. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional housing to assist the Council in addressing its undersupply.
18. The appellant contends the proposal would optimise the use of the site and contribute positively to the borough's housing targets. This is tempered by the fact that the site lies outside a settlement boundary, has poor access to shops and services and would be dependent on private vehicles. Whilst on-site measures such as limited parking, EV charging and cycle storage are proposed, these would not overcome the site's locational unsustainability, since they would not effectively reduce the need to travel by car. Furthermore, the provision of two additional dwellings would make a relatively minimal difference to the overall supply of housing and so I give this moderate weight in favour of the proposal.

19. The appellant argues that the previous consents have already established the principle of residential development and that this must be given considerable weight. As mentioned previously, the residential development that was permitted was tied to the conversion of the agricultural buildings that have now been demolished. Whilst the Framework supports the redevelopment of previously-developed land, this does not include land that was last occupied by agricultural buildings. The Framework also supports the development of windfall sites – but these should be suitable sites within existing settlements. I have therefore attached limited weight to this consideration.
20. The appellant refers to an appeal allowed on a neighbouring site at Rides House for the erection of two semi-detached dwellings following the demolition of Rides House³. This case differs from the proposal in that it comprised previously-developed land, occupied the footprint of the former house, and did not have a harmful impact on the character and appearance of the area. The other appeal on land adjacent to Rides House⁴ was dismissed due to its unsatisfactory location with regards to the Council's spatial strategy. I have been provided with very limited information relating to the other developments referred to at Barbara Crest, Norman Road, and at the Wheatsheaf Inn, Warden Road. I cannot decisively assess whether they are comparable to the proposed scheme. Therefore, these cases do not lend any weight in favour of allowing the appeal.
21. There would also be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. I have attached limited weight to this consideration.

Planning Balance

22. Set against these benefits is the significant harm I have identified in respect of the proposal's unsuitable location when judged against the settlement strategy policies for Swale. This conflict with the development plan is a matter of significant weight against the proposal. The proposal would also harm the character and appearance of the area in light of its incongruous suburban layout. This harm attracts substantial weight given the Framework's core objective of securing well-designed, high-quality places.
23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
24. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SPA, which is a designated European site. New residential development at this site has the potential to cause disturbance to the SPA and therefore the development must provide appropriate mitigation. The appellant has provided a financial contribution towards mitigation as part of the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS). This is acknowledged by

³ Appeal Ref: APP/V2255/W/20/3262303.

⁴ Appeal Ref: APP/V2255/W/22/3295953

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the Council. Notwithstanding this, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to the SPA.

Conclusion

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

Thomas Courtney

INSPECTOR



Planning Inspectorate

Costs Decision

Site visit made on 21 October 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Costs application in relation to Appeal Ref: APP/V2255/W/25/3364501

Land adj. Rides House, Warden Road, Eastchurch, Kent ME12 4HA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Ball for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for the construction of two detached single-storey bungalows.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The appellant claims that the Council acted unreasonably by misinterpreting the planning history, failing to give appropriate weight to previous permissions, and refusing an application that should have been approved. It is also alleged that procedural inconsistencies led to unnecessary expense.
4. The Council's delegated report identifies the earlier prior approval and full planning permission and explains why the demolition of the former agricultural buildings materially altered the site circumstances. In the Council's judgement, the loss of the buildings removed the fallback position that had previously justified residential development. The proposal was therefore assessed as a new-build scheme in the countryside. The Council applied relevant development plan policies and concluded that the proposal's location and form of development were unacceptable. It reached a view it was entitled to make. Disagreement with that planning judgement or the weight attached to particular considerations does not amount to unreasonable behaviour.
5. No persuasive evidence shows procedural unfairness, delay, or any failure in the decision-making process amounting to unreasonable behaviour. The officer report considered the site history, planning policy and the change in circumstances following demolition. There is no indication that relevant evidence was ignored or the proposal misunderstood.

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6. While the appellant has incurred costs in preparing the appeal, these are the normal costs associated with challenging a refusal. There is no direct causal link between the Council's behaviour and any unnecessary or wasted expense.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Courtney

INSPECTOR