



Planning Inspectorate

Appeal Decision

Site visit made on 2 February 2026

by John Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2026

Appeal Ref: 6001551

Orchard View, Eastling Road, Eastling, Kent ME13 0AN

- 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 Andrew Higenbottom against the decision of Swale Borough Council.
 - The application Ref is 25/501789/FULL.
 - The development proposed is the change of use of land for the siting of two shepherds huts, for use as holiday let accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including whether the proposal would conserve and enhance the natural beauty of the Kent Downs National Landscape (NL); and
 - the provision of Grade II (best and most versatile) agricultural land.

Reasons

Character and appearance

3. The appeal site is part of a larger parcel of land to one side of Eastling Road. The site is within the Kent Downs NL. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the NL. I am also mindful of the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of NLs.
4. The area consists of a primarily farmed rural landscape, which is recognised in the Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026 for maintaining the natural beauty of the Kent Downs. The pastoral scenery is noted for being a particularly valued part of the landscape. Development on this side of Eastling Road is sporadic, and the area is typically defined by the open agricultural fields that surround the appeal site, reflecting the overall character of the NL. The verdant character of the site makes a positive contribution to the character and appearance of the area.
5. On the opposite side of Eastling Road, development typically fronts the road with the dwellings forming a built-up context to the area. The consolidated

development fronting Eastling Road defines the edge of the settlement of Eastling. The site is outside of the settlement boundary and is therefore in the countryside for the purposes of the development plan.

6. The proposal is for the provision of tourist accommodation at the site. Policy DM3 of the Bearing Fruits 2031 – The Swale Borough Local Plan 2017 (LP) supports the sustainable growth and expansion of business and enterprise in the rural area, subject to development meeting the criteria listed. Criterion 1 b. states that all proposals must firstly consider the appropriate re-use of existing buildings or the development of other previously developed land. The supporting text to the policy states that there is a preference for new development proposals to use existing buildings, or where a new building is justified, on previously developed land as a first consideration.
7. The proposal for two shepherds' huts is a type of development that could not readily be incorporated into an existing building. Nonetheless, there is no substantive evidence before me that demonstrates that consideration has been given to the re-use of existing buildings or the development of previously developed land for the use proposed. Consequently, the proposal conflicts with criterion 1 b. of Policy DM3.
8. Although unattached to the land, the plans indicate that the shepherds' huts would be set in from the site boundaries, which are formed by trees and hedges. The shepherds' huts would be visible from the public footpath and from Eastling Road on the approach from Newnham Lane. The huts and associated parking area would urbanise the site and would harmfully erode the prevailing rural character of the area on this side of Eastling Road.
9. The small scale of the huts and the additional planting proposed as part of the landscaping plan would, over time, reduce the visual intrusion of the development on the surrounding area. However, this could take a considerable period of time to establish and would not provide substantial screening of the development, particularly if the vegetation is not in leaf. Furthermore, the long-term retention and maintenance of the landscaping cannot be effectively controlled. Consequently, it cannot be relied upon to obscure development that would otherwise be unacceptable.
10. I conclude that the proposal would unacceptably harm the character and appearance of the countryside and would fail to conserve and enhance the natural beauty of the NL. The development therefore conflicts with Policies ST1, ST3, CP4, DM3, DM14, DM24, and DM31 of the LP, which collectively aim to focus proposed development within defined settlements and require development to conserve and enhance valued landscapes and achieve good design through reflecting the area's rural characteristics.

Agricultural land

11. The appeal site is part of a larger parcel of land, which includes paddocks associated with the dwelling at Orchard View. In addition to the paddocks, the wider site includes a manège, stables building and field shelters. There is no substantive evidence before me that indicates that the current use of the land is not lawful. Beyond the site to the rear and side boundaries are open fields in agricultural production. The parties agree that the land at the site and in the area consists of best and most versatile agricultural land (BMV).

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12. Policy DM31 of the LP states that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries and that development on BMV will not be permitted unless it meets certain criteria. While the land at the site is defined as BMV and could be returned to agricultural use, it is not currently used for agricultural purposes and there is no substantive evidence that a return to agricultural use would be likely. Given the current non-agricultural use of the land, there has already been a loss of BMV at the site. In this respect, the proposal would not result in the loss of agricultural land.
13. I conclude that the proposal would not result in the loss of the best and most versatile agricultural land. The development therefore accords with Policy DM31 of the LP, which seeks to protect the best and most versatile agricultural land.

Planning Balance

14. While the proposal would also not result in the loss of BMV, it would harm the character and appearance of the area and would fail to conserve and enhance the natural beauty of the NL. In accordance with the Framework, this attracts significant weight against the proposal.
15. The development would boost the rural economy through the provision of accommodation for visitors and the associated economic benefits to local businesses. The Framework supports the sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism and leisure developments which respect the character of the countryside. However, given the small scale of the proposal, the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits.

Conclusion

16. The proposal conflicts with the development plan. 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.

John Pearce

INSPECTOR