

Appeal Decision

Hearing held on 13 May 2026

Site visit made on 13 May 2026

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

Appeal Ref: 6003458

Salvation Place, Bell Farm Lane, Minster-on-Sea, Kent ME12 4JB

- 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 and Mrs B and H Johnson against the decision of Swale Borough Council.
 - The application Ref is 24/504520/FUL.
 - The development proposed is material change of use of land for stationing of caravans for residential occupation with associated development (hard standing, 2 sheds and cess pool).
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Decision

1. The appeal is allowed and planning permission is granted for material change of use of land for stationing of caravans for residential occupation with associated development (hard standing, 2 sheds and cess pool) at Salvation Place, Bell Farm Lane, Minster-on-Sea, Kent ME12 4JB in accordance with the terms of the application, Ref 24/504520/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. The appellant made an application for an award of costs against Swale Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The description of development included reference to the development being retrospective. Whilst this is the case, it is not an act of development, and I have therefore removed it from the banner heading and from my formal decision.

Main Issues

4. The main issues are:
 - 1) whether the location of the site is suitable for the use, with particular regard to the risk of coastal erosion,
 - 2) the effect of the development on the Thames, Medway and Swale Estuary Special Protection Area and Ramsar Site, and
 - 3) whether there are any other material considerations that are pertinent to the appeal.

Reasons*Coastal erosion*

5. The appeal site is set along Bell Farm Lane. This is a narrow and largely unmade single-track lane which, along this part, runs roughly parallel with the coastline to the north. It is characterised by a mix of mobile homes, many in gypsy and traveller occupation, holiday chalets and dwellings. This site is one example and presently features a single static mobile home and a few sheds with turfed grass to the front and rear. The rear of the site gives way to the vegetated cliff edge/slope which leads to the shoreline below.
6. The site is within the Coastal Change Management Area (CCMA) and Erosion Zone 1 (EZ1) as set out in policy DM23 of The Swale Borough Local Plan 2017 (SLP). The use of the site for residential purposes is not within one of the limited forms of development that are permissible within EZ1. Even so, criterion 1. of policy DM23 sets out that planning permission will be granted for development proposals subject to them being demonstrated that the proposal will not result in an increased risk to life, nor a significant increase in risk to property.
7. This is consistent with the guidance at paragraphs 184 and 185 of the National Planning Policy Framework (the Framework) which explains, in summary, that development in a CCMA will be appropriate only where it is demonstrated that, inter alia, it will be safe over its planned lifetime and not have an unacceptable impact on coastal change. The overarching approach to this stretch of the coastline is allowing natural processes to take place (cliff erosion) under a policy of no active intervention.
8. Various documents define and explore the projected levels of coastal erosion over the next 100 years. This includes the National Coastal Erosion Risk Mapping (NCERM) and the Council's North Sheppey Erosion Study 2011 (NSES). A small part of the site, closest to the sea is within an area that is subject to short term risk of erosion. However, the majority of the site, which includes the static mobile home itself, and a noteworthy portion of the rear garden is within the medium-term risk area. This equates to a period of 20-50 years.
9. A technical note relating to the adjoining site was also provided with the appeal. Whilst it does not specifically relate to this property, the mapping provided within it clearly shows the appeal site, and mobile home, as comfortably within the medium-term area.
10. The appellant reports that there have been no notable or significant losses to erosion since they occupied the property in the early 2000s. This is evidenced by the fairly substantial and established tree and vegetation growth along the cliff edge. Nevertheless, there is evidence of considerable land-slip at the adjoining site, the Laurels, indicating that such events can be dramatic and severe when they do occur.
11. A consultation response from the Environment Agency¹ highlights this and clearly explains that coastal erosion is unpredictable in nature and more likely to occur in discrete events, resulting in significant losses during a single event. The absence

¹ EA ref: KT/2026/132191/ dated 5 March 2026

of any significant erosion on this site in the past 20 years is not a guarantee that the site will continue to be unaffected.

12. It follows that I must find conflict with policy DM23 of the SLP and Framework due to the location of the site being within EZ1 of the CCMA and the proposal not meeting all the exceptions set out in this policy. The position of the mobile home within the EZ1 of the CCMA means that there is a risk to human life and property.

Special Protection Area

13. The site is within the Zone of Influence (Zol) for the Thames, Medway and Swale Estuary Special Protection Area (SPA) and Ramsar Site. The SPA is designated due to the presence of key bird species for overwintering, on-passage and breeding birds. Evidence has shown declines in these key bird species with recreational activities causing disturbance impacts highlighted as one potential factor in these population declines. New development resulting in human population increases within the Zol are considered to further exacerbate the pressures on key birds.
14. The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy 2014 (TMSESAMMS) sets out the strategy to mitigate these likely significant effects. In summary, Strategic Access Management and Monitoring (SAMM) payments are required on a per dwelling basis. These payments are directed towards various measures to raise awareness of disturbance issues, provide new infrastructure, signage and enhancement to existing sites.
15. The appellant has paid the requisite contribution to SAMM but nevertheless maintains that such a payment is not necessary in this instance. This is because, inter alia, the health condition of the appellants means that they are highly unlikely to visit the SPA and, in any case, they were lawful residents of the site and within the Zol prior to its designation.
16. Whilst I appreciate that the health condition of the residents means that they are unlikely to visit the SPA and therefore not have any direct impact upon it; that is not to say that any guests or visitors may not do so. On this point, and even though I accept a low likelihood, I am unable to conclude that there would be no effect beyond all reasonable scientific doubt.
17. However, I am mindful that at the time of the adoption of the TMSESAMMS, the appellants were lawful residents of the site and had been for a notable period of time. Not only this, but also, the site had a higher population as the appellant's children also occupied the property at that time. They have since moved out and now reside elsewhere, outside the SPA. As a result, this proposal would not result in a population increase that would require a SAMM contribution payment.
18. Accordingly, I conclude that the proposal complies with policy DM28 of the SLP insofar as it would not result in an increase of human population that would have an adverse effect on key bird species. No contribution towards SAMM is required as the proposal complies with policies ST1, DM14, and DM28 of the SLP and Framework.

Other considerations

19. The Planning Policy for Traveller Sites (PPTS) sets out that local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. The Council accepts that it cannot presently demonstrate a five year supply of deliverable gypsy and traveller pitches. The Officer's Report places this figure at 1.3 years worth of supply and this figure is not disputed by the appellants. This is a significant and persistent shortfall. However, in this case, the provisions of paragraph 11 d) i. of the Framework apply as the site is within an area at risk of coastal change, as is set out at footnote 7.
20. The replacement Swale Local Plan is presently at Regulation 18 stage and thus in its very early stages. It is unclear what provision the replacement plan will make to address the present shortfall of gypsy and traveller pitches. Regardless, it will be a period of several years before this bears fruit, and thus, in the intervening period it seems highly unlikely that the shortfall of provision of gypsy and traveller sites will be resolved.
21. The appellants highlighted at the hearing that due to their age and ongoing health concerns that they were no longer actively engaging in a traveller lifestyle. There is, nevertheless, no dispute that they met the definition of gypsies and travellers as defined at Annex 1 of the PPTS. The paucity of alternative sites to relocate to means that a refusal of planning permission and, ultimately, being required to move from Salvation Place would render them effectively homeless.
22. The appellant had not explored alternative sites prior to the planning application being made and has not done so in the intervening period. This was, in part, due to their understanding from the site licence, that their permission was a permanent one. Even so, the council's lack of 5 year sites means that alternatives are unlikely to be forthcoming in the short term.
23. Adding these factors together, I find that they must carry significant weight. However, balanced against this, there is the very real concern that the site could be subject to erosion and an increased risk to life. However, the current static mobile home is located towards the front of the site and it is well away from the area at most risk of immediate erosion. Even if such erosion were to happen, the chances of this occurring to the extent where it would directly affect the static mobile home itself are slim, for the time being.
24. Given the lack of alternative sites and limited immediate threat to the static mobile home itself, it is necessary to consider a temporary permission. The Planning Practice Guidance (PPG) does counsel against the grant of further temporary planning permissions and this site has been the subject of these on multiple occasions already. The PPG states that it will rarely be justifiable to grant a second temporary permission.
25. However, the PPG also states that circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. This is the case here as there are the variables of the replacement Local Plan progressing and, hopefully, identifying sufficient alternative gypsy and traveller sites. In addition, there is the extent of coastal change which can, and will, only be established in the fullness of time. Even if the site is subject to erosion in this time frame, there remains the

possibility to relocate the mobile home further away from the coast and the areas most at risk on the appeal site.

26. The Council did express that, notwithstanding its objection to the principle of continued occupation of the site, that were the appeal allowed a period of two years would be more appropriate. However, this does not allow sufficient time for the replacement Local Plan to progress in a meaningful way or for any future allocations to come forward as part of a planning application.
27. Accordingly, I find that a period of five years strikes a reasonable balance, giving the appellants sufficient certainty of their tenure and the opportunity for the Council to identify alternative sites for gypsy and traveller accommodation through the Local Plan process. This also factors in the relatively limited risk that the static mobile home itself would be subject to erosion that could affect the occupants. The proposal would not strictly accord with policy DM23 of the SLP insofar as a residential use is not within one of the limited categories of acceptable forms of development nor is it directly related to the coast. Even so, the development is less permanent in nature as a mobile home and this permission is to be temporary. Thus, the negative effects of allowing development within EZ1 of the CCMA are outweighed by the lack of alternative sites. In addition, the risk to the mobile home itself is reduced by its position on the site.
28. Therefore, on balance, I conclude that the significant shortfall in the supply of gypsy and traveller pitches outweighs the risks associated with this proposal and the conflict with policy DM23 of the SLP.

Other Matters

29. Although it was not explored at great length at the hearing, I have been mindful of the recent dismissal of a similar appeal at the adjoining site², now known as Milo's. Notwithstanding the refusal of planning permission, a mobile home has been sited on the land. There is a difference between these two cases. At the adjoining site, the proposal was for a new pitch that would introduce additional population to an area that is within EZ1 of the CCMA. Whereas, at Salvation Place, the use is long established, and it would not result in the introduction of new residents. This is such that I find that reaching a differing conclusion is justified in this case.
30. Whilst the personal circumstances of the appellants were aired at the hearing, I have concluded here that the lack of supply of gypsy and traveller pitches is sufficient in its own right to warrant the grant of a temporary permission. Therefore, it is not necessary for me to explore the personal circumstances of the appellants here.

Conditions

31. I have imposed the conditions set out in the Statement of Common Ground with edits and modifications. This is following discussion at the hearing and having regard to the guidance set out at paragraphs 56 and 57 of the Framework and PPG.
32. Condition 1 relates to the approved plans and is imposed for certainty as to what is permitted.

² APP/V2255/W/24/3354226

33. Condition 2 authorises the development for a period of five years and is imposed for the reasons I have explained above.
34. Condition 3 restricts the development to no more than one static mobile home and one touring mobile home. This is in the interests of the visual amenity of the area and being mindful that siting of mobile homes further to the coastline increases the risk to human life. It is further imposed in order to restrict, as far as reasonably possible, the number of occupants of the site being mindful of the site's location within the Zone of Influence for the SPA.
35. I have imposed condition 4 to restrict the positions of the static and touring mobile homes. This is in the interests of the visual amenity of the area and being mindful that mobile homes to the rear of the site are more liable to be in a higher risk of erosion. I am mindful that this condition does mean that further approval of the Council would be required to relocate the static mobile home within the five year period, nevertheless, there are no other mechanisms available to me to ensure that the current siting is not altered to a higher risk part of the site.
36. Condition 5 restricts occupation of the site to people who meet the definition of gypsies and travellers set out in Annex 1 of the PPTS and is in order to ensure that the development fulfils its intended purpose. Finally, conditions 6 and 7 are imposed so as to minimise any adverse impacts arising from potential commercial uses of the site.
37. I have not imposed a time limit condition as the proposal is retrospective.
38. A personal permission tying the occupation of the site to the appellants only was aired at the hearing. However, I have balanced the lack of imminent risk to the current position of the mobile home over a five year period against the lack of supply of gypsy and traveller pitches in the locality. This would be applicable to any person in a similar circumstance and meeting the definition at Annex 1 of the PPTS. As such, a personal permission in this instance is not needed and due to the temporary period of the permission.
39. There was discussion at the hearing regarding a potential condition relating to a management plan which would set out the circumstances when the mobile home should, or could, be relocated following potential future erosion. Indeed, at the site visit, a sycamore tree was pointed out to me which marks Mr Johnson's notional line where, should erosion reach that point, the existing static mobile home would have to be relocated further towards the front of the site. The appellants are therefore clearly aware of their circumstances and will invariably have the greatest level of awareness of the state of the site. As such, and given that this permission will only inure for a period of five years, I have not imposed a management plan condition here.

Conclusion

40. The proposed development would conflict with the development plan insofar as it would result in a form of development within EZ1 of the CCMA that is unacceptable having regard to the requirements of policy DM23 of the SLP. However, I have found that the persistent and significant shortfall of gypsy and traveller pitches in the Borough and that the mobile home is set well away from the areas of the site most at risk of erosion are significant material considerations.

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41. Even though paragraph 11 d) ii. of the Framework is not engaged, I still find that the benefits of granting permission for the development outweigh the potential harms to life and property for the temporary period of the permission. As such, the material considerations indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above the appeal is allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted relates to the plans listed below:
Plan 1 – Location Plan
Plan 2 – Proposed Site Layout Plan
Plan 3 – Timber Sheds Elevations and Floorspace
- 2) When the site ceases to be occupied, or at the end of five years from the date of this planning permission, whichever first occurs, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and what remains of the land restored to its condition before the development took place.
- 3) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) (of which no more than one shall be a static caravan/mobile home), shall be stationed on the land at any time.
- 4) The caravans shall only be positioned in the location shown on Plan 2.
- 5) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 6) No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
- 7) No commercial activities shall take place on the land, including the storage of materials.

End of Schedule

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Appearances

For the appellant:

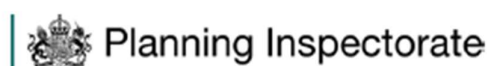
Mrs Alison Heine of Heine Planning Consultancy

Mr Brian Johnson

Mrs Heather Johnson

For the Council:

Mr Christian de Grussa, Senior Planner to Swale Borough Council



Costs Decision

Hearing held on 13 May 2026

Site visit made on 13 May 2026

by N Bowden BA(Hons) Dip TP MRTPI

an inspector appointed by the Secretary of State

Decision date: 8th June 2026

Costs application in relation to Appeal Ref: 6003458

Salvation Place, Bell Farm Lane, Minster-on-Sea, Kent ME12 4JB

- 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 and Mrs B and H Johnson for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for material change of use of land for stationing of caravans for residential occupation with associated development (hard standing, 2 sheds and cess pool).
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Decision

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

Background

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.
3. The applicant considers the Council has behaved unreasonably due to, in summary; not fully considering the possibility of a temporary planning permission considering rates of coastal erosion and not responding to the applicant's representations relating to Strategic Access Management and Monitoring (SAMM) payments.

Reasons

Temporary permission and coastal erosion

4. The site and wider coastal area are affected by erosion. Although there is no recent study on the extent of erosion locally, the matter is not in dispute, and it is designated in a recent development plan. The broad policy here is for no active management in this natural process and forms of development to be restricted are set out in policy. The Council took the view that the proposal was for residential development in an area subject to erosion and weighed this, and other matters, against the shortage of gypsy and traveller sites. It concluded that on balance, the risk to human life was not outweighed by other considerations and this is a reasonable conclusion to reach.
5. The Council did consider a temporary permission and concluded that this would not outweigh the risk. The period it considered in the Officers Report (OR) was short, at

two years, and this was not necessarily what the applicant sought. However, it seems to me to be implicit that in exploring whether a two year temporary permission was to be unacceptable, it follows that a longer period would, as a minimum, be equally unpalatable, if not more so. A longer period may have been justified in order to allow the current development plan to be reviewed and replaced and alternative sites for gypsy and traveller accommodation found. Indeed, this is the conclusion I have found in my decision. It does not appear that the Council fully weighed this matter but even so, their approach was clear in explaining no temporary period was acceptable to it.

6. I accept that the Council's assessment of these factors was not flawless but it was still clearly set out in the OR that the Council were adopting a precautionary approach here. The Council relied on the evidence available to it in reaching its decision. Some of this is dated and could have been instigated through a separate study by the Council itself, but there is no requirement for it to do so within any prescribed time frames.
7. Nevertheless, the Council weighed relevant matters together and formed a perfectly rational conclusion. I am, therefore, unable to conclude that its decision, or the way in which it reached it, was unreasonable.

SAMM payment and applicant's representations

8. There is a distinct paucity of policy surrounding SAMM payments in relation to the circumstances of this case. In essence, the mobile home(s) and occupants were present prior to the establishment of the SAMM becoming policy. However, the mobile home(s) and occupation of the site for residential purposes became unlawful due to the expiry of the planning permission in the intervening period. There is no guidance or policy in place locally to address this scenario.
9. The applicant did make various representations and queries in relation to this during the course of the application and appeal. The Council did not fully explore these in the OR nor in its Statement in relation to the appeal. Moreover, the OR did note that the applicant had agreed to make these payments whereas, in fact, they had not. Even so, and despite some inaccuracies, this matter was discussed and explored at the hearing.
10. I find it would have been desirable for the Council to respond the applicant's points earlier and in a more considered manner. The lack of response to these points does amount to unreasonable behaviour but the tests set out in the PPG are that there must be evidence of it having behaved unreasonably *and* (my emphasis) thereby caused the party applying for costs to incur unnecessary or wasted expense.
11. In this instance, the additional time and work required to address this reason for refusal was modest. Moreover, the first reason for refusal remained quite reasonably in contention. Had the Council been minded to grant permission for this development, even for a temporary period, I have no reason to believe that this matter relating to the SAMM payment would not have been resolved.
12. Thus, in relation to this point, although I have found that the Council was unreasonable in not addressing this issue, it has not resulted in unnecessary or wasted expense as establishing the situation in full, in the context of a policy

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vacuum, prior to the grant of planning permission would have been a requirement were permission to be forthcoming.

Conclusion

13. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bowden

INSPECTOR