



## Appeal Decision

Site visit made on 16 February 2015

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 April 2015**

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### **Appeal Reference: APP/K2230/A/14/2221790 Land at 85 Milton Road, Gravesend, Kent DA12 2PP**

- 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 G & M Motors against the decision of Gravesend Borough Council.
  - The application (reference 20140052, dated 16 January 2014) was refused by notice dated 14 April 2014.
  - The development proposed is described in the application form as: "stationing of airstream caravan to serve as a coffee bar".
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### **Decision**

1. The appeal is allowed and planning permission is granted for the stationing of an Airstream caravan to serve as a coffee bar on land at 85 Milton Road, Gravesend, Kent DA12 2PP, in accordance with the terms of the application (reference 20140052, dated 16 January 2014), subject to the conditions set out in the attached Schedule of Conditions.

### **Main issues**

2. There are several main issues to be determined in this appeal. The first concerns the impact of the proposed Airstream caravan on the streetscene and the setting of the nearby listed building. The second relates to the implications of the proposal for on-street parking and highway safety and convenience. The third also primarily concerns highway safety, in terms of the implications for people crossing the main road on which the proposed development is situated. Finally, it is necessary to consider the implications of the scheme for healthier lifestyles.

### **Reasons**

3. The appeal site is located in a suburban part of Gravesend, on a main distributor road, Milton Road (A226). Bus stops are sited on the main road in front of the premises. Much of the surrounding area is residential in character but commercial development of various types is located along Milton Road, including the appeal site itself, where there is a substantial motor show room and vehicle repair workshop.
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4. By contrast, there are also areas of open land to the south of the appeal site, across Milton Road. Immediately opposite the appeal site are the grounds of the Gravesend Rugby Football Club, with the Gravesend Grammar School a short way to the east of that, across Church Walk. St John's School is located further away, to the south-east of the appeal site.
5. In addition, the ancient church of St Peter and St Paul lies a short way to the east of the appeal site, with a large churchyard that is set with mature trees. The church dates originally from the fourteenth century, with a later west tower and other interventions during subsequent centuries. It is an important historic building, which is listed (Grade II\*) as a building of special architectural or historic interest.
6. The appeal proposals would involve stationing a caravan on the forecourt of the motor show room, for use as a coffee bar, selling "coffees, teas, soft drinks, milk shakes etc" as well as snacks, no doubt, including "chocolate bars, biscuits etc". As applied for, the caravan would be an Airstream caravan which has a distinctive modernistic style.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes certain obligations on those considering whether to grant planning permission for development that affects the setting of a listed building, ensuring that special regard must be had to the desirability of preserving that setting.
8. The statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which emphasises the importance of conserving and enhancing the historic environment.
9. Section 7 of the NPPF also places an emphasis on design more generally. It has a basic aim of "requiring good design" and points out the importance of creating an attractive streetscape and maintaining the overall quality of the area.
10. Under the broad heading "Promoting sustainable transport", Section 4 of the NPPF deals with a number of transport related issues. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that "*safe and suitable access to the site can be achieved for all people*" (paragraph 32).
11. As one of its broad "core principles", the NPPF also states (at paragraph 17) that planning should aim to "*improve health, social and cultural wellbeing for all*".
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. Development Plan policies are therefore especially important and Gravesham Borough Council's own planning policies reinforce these underlying principles.

13. In particular, the 'Gravesham Local Plan (First Review)', though it is now rather old, emphasises the importance of listed buildings in the Borough (Policy TC2) as well as drawing attention to design considerations more generally (Policy TC1). In addition to these "saved" Policies, the new 'Core Strategy' again reinforces the underlying principles, specifically at Policy CS19, concerning 'Design and Development Principles' and Policy CS20 which deals with 'Heritage and the Historic Environment'.
14. Policies in the Development Plan also emphasise the importance of safety and efficiency in the highway network, of course, while "saved" Policy P3 in the Local Plan specifically relates to parking standards.
15. Additionally, the new Core Strategy includes a provision within Policy CS19 that is intended to "encourage healthy lifestyles" (though, evidently, that cannot extend beyond the scope of the planning system).
16. The proposed caravan would be sited on the forecourt of the appeal site and would not be alien to the appearance of the premises, since vehicles are currently displayed on the premises. Indeed, the Airstream caravan, as proposed and as shown on the application drawings, would be an interesting feature, in design terms, that could be said to improve the streetscene. The appeal site is located opposite the entrance to the churchyard, across Raphael Road, but the listed church itself is located well away from this frontage, and significantly further up the hill. Thus, the proposed caravan would have no significant impact on the setting of the listed building.
17. At the same time, any change to the caravan would need to be strictly controlled, to maintain the design standard that is envisaged, and the introduction of exterior furniture or the like ought also to be controlled, in the interests of preventing excessive visual clutter and harm to the streetscene. That matter can be dealt with by the imposition of a suitable condition, however.
18. In association with the new caravan, an area would be provided for off-street parking (as shown on one of the application drawings), within the current forecourt area. Evidently, this would reduce the area available for other uses, such as vehicle display. The access to the dedicated parking area, as for the existing site, would be taken from Raphael Road rather than from the main road and is satisfactory in highway terms. The parking area itself would also appear to be adequate for its function, as the Council's own technical advisers concluded, though it would be necessary to ensure that the parking provision is retained. Subject to that, the project would not have any significant adverse impact on highway safety and convenience for vehicles.
19. Operating as a coffee bar, the caravan would doubtless attract pedestrian visitors and it has been pointed out that schoolchildren studying nearby might well become customers of the new enterprise, when they would be tempted to cross the road to visit the new coffee bar. Evidently, it must be noted that there is already a crossing point for pedestrians a short way to the west of Church Walk, which is controlled by traffic lights. Barrier rails protect the edges of the footpaths, in the vicinity of the pedestrian crossing, though they are interrupted on either side of the main road by Church Walk and Raphael Road, respectively.

20. The existing pedestrian crossing is evidently laid out to a proper standard and appears to be well used, though it is possible, of course, for the formal crossing point to be disregarded by children or others. Provision for pedestrians is safe, however, and the positioning of the new caravan, behind the roadside railings, would not unduly exacerbate the inevitable dangers of a busy road.
21. From the submissions, the new coffee bar would be intended to have a wide appeal. It would be likely to sell snacks, including chocolate bars and biscuits, but it would be unreasonable to seek to restrict the sale of such commonplace products. Indeed, there are shops in the vicinity (to the east) that could offer such confectionary. While the Development Plan (in the new Core Strategy), reflecting the NPPF in very general terms, is intended to "encourage healthy lifestyles" the project is not so "unhealthy" as to justify a refusal of planning permission based on Development Plan policies.
22. It has been noted that concerns have also been raised about the impact of the proposed coffee bar on the living conditions of local residents. Bearing in mind the nature of the main road and the character of the appeal site itself, however, it is not considered that there would be any significant impact on the amenities of nearby residents, provided that reasonable restrictions are imposed on the coffee bar, to prevent the preparation of hot food in the caravan (which could cause unwelcome odours) and to restrict the hours of operation of the coffee bar (which could otherwise cause undue disturbance).
23. Obviously, the appeal site lies within an established urban area, which is "sustainable" in planning terms, while the economic benefits of the appeal scheme weigh in its favour, in principle, subject to other planning considerations, of course. Moreover, the project would not be in conflict with the Development Plan, in principle, and the objections to the scheme are not sufficient to justify a refusal of planning permission. In short, the scheme which is the subject of this appeal can properly be permitted, subject to conditions, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
24. Even so, conditions are necessary, to define the planning permission and to ensure that quality is maintained. In imposing conditions, account has been taken of the conditions suggested by the Council in the usual way (repeating those that were included in the officers' supplementary report to their regulatory board), without prejudice to their main arguments in the appeal. Conditions have been imposed to deal with most of the matters that were identified, subject to modifications necessary, in the interests of clarity and simplicity.
25. Hence, a broad condition has been imposed to prevent changes being made to the approved scheme without the approval of the local planning authority. However, it is evident that suitable waste bins (of adequate size) ought to be provided in conjunction with the coffee bar and a separate condition is imposed to deal specifically with that matter.
26. Similarly, it is essential to ensure that the proposed on-site parking provision is made available before the new use commences and that it is retained thereafter.

27. It has been suggested that a condition ought to be imposed to restrict the stationing of the caravan at the appeal site to a temporary period. A term of approximately one year was implied. Bearing in mind the sensitivity of the parking issue and the need to ensure that it can be managed satisfactorily in practice, such a condition would be reasonable and necessary. Nevertheless, a period of only one year from the date of the decision would be unreasonably short, bearing in mind the time allowed for implementation of the permission. A modified condition, to allow the caravan to be retained for one year from the commencement of the new use would be more realistic and reasonable.
28. Because of the scale and nature of the proposed coffee bar, the preparation of hot food within the caravan would be likely to cause undesirable odours that would affect the surroundings. It is, therefore, necessary to impose a condition to prevent this. Bearing in mind the nature of the surroundings it would also be undesirable to permit unrestricted hours of operation for the caravan. On the other hand, the restrictions put forward for the normal working week (and Saturdays) are unnecessarily restrictive and longer opening periods are to be allowed, therefore.
29. However, it is not necessary for a condition to be imposed to prevent the residential occupancy of the caravan, since planning permission would be required for such a use, in any case.

*Roger C Shrimplin*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out entirely in accordance with the following approved drawings:
  - drawing number 0014.01C – “Site layout”
  - drawing number 0014.02A – “Internal layout and elevns”
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no alteration shall be made to the location or orientation of the caravan hereby permitted or to its external appearance (including to its colour), and no external furniture or other installations associated with the coffee bar hereby permitted (including tables or chairs) shall be placed on the appeal site, without the prior written permission of the local planning authority.
4. Notwithstanding the provisions of condition 3, above, no development shall take place until a detailed scheme to provide, maintain and service litter bins has been submitted to and approved in writing by the local planning authority. The development shall be carried out and operated thereafter in accordance with the approved scheme for litter bins.
5. Prior to first use of the caravan hereby permitted, the area shown on the approved drawing as “proposed parking for coffee bar” shall be laid out and brought into use as such. It shall be retained and used for no other purpose thereafter.
6. The caravan hereby permitted shall be removed and the land restored to its former condition before the expiration of one year from the date of commencement of use of the caravan hereby permitted.
7. The use hereby permitted shall not be open to customers outside the following times:
  - 0800-1900 on Mondays to Saturdays (inclusive) and
  - 1000-1600 on Sundays and Bank Holidays.
8. There shall be no hot food prepared in the caravan hereby permitted at any time.

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