



Appeal Decision

Site visit made on 18 August 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/K2230/W/25/3363309

The Coal Yard, Meopham Station, Wrotham Road, Meopham, Kent DA13 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr M Banks against the decision of Gravesham Borough Council.
 - The application ref 20241037 was approved on 23 January 2025 and planning permission was granted subject to conditions.
 - The development permitted is variation of conditions 1 and 3 and removal of condition 2 attached to planning permission reference number 20201253 application for change of use of the building and land to self-storage (Use Class B8) and the siting of storage containers with associated parking; to allow the siting of 3 additional containers.
 - The condition in dispute is No 2 which states that: "Within three months of the date of this decision, and notwithstanding the information on the approved plans and application form, details of a 2m high boundary treatment to be erected along the southern boundary to protect the amenities of nos. 44-50 Ediva Road shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be built in accordance with the approved details within three months of that decision and maintained thereafter."
 - The reasons given for the condition is: "No details have been provided at this stage and in order to protect the amenity of the residents of adjacent properties in accordance with Policy CS19 of Gravesham Core Strategy (2014)."
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site was granted planning permission¹ for the change of use to a Use Class B8 self-storage site. A subsequent application² was approved to amend conditions 1 and 3 of that permission to allow the siting of three additional containers. It also sought to remove condition 2 relating to the maintenance of the existing fencing which runs along the rear of the gardens of Ediva Road and separates these residential plots from the appeal site. The evidence shows that the reason for the removal of this condition was due to the existing fencing falling on land outside the ownership of the appellant.
3. Whilst planning permission was granted with condition 2 being removed, a new condition 2 was imposed by the Council requiring the submission and future maintenance of a 2m high boundary treatment to be erected along the southern boundary of the appeal site with the properties of Nos 44-50 Ediva Road (Nos 44-50). This new boundary treatment condition is in dispute.

¹ LPA ref 20201253

² LPA ref 20241037

4. Therefore, the main issue is whether the condition is reasonable, necessary and enforceable having regard to the living conditions of the occupiers of Nos 44-50, with particular regard to outlook, privacy and disturbance.

Reasons

5. The storage containers situated on the appeal site are bulky with a metal industrial appearance. The evidence shows that the average container is over 2m in height and width. This correlates with my observations on site where the containers appeared to be of such a stature.
6. Without the appeal site being subject to a form of enclosure on its southern boundary, containers would back directly onto the rear garden areas of Nos 44-50. Due to the bulky and industrial appearance along with the proximity of the containers to the adjacent garden areas, without a boundary treatment, this would result in an overbearing effect which would harm the outlook of occupiers of Nos 44-50.
7. A lack of enclosure of the appeal site would also undermine the sense of security the occupiers of Nos 44-50 would expect within their homes and associated spaces, resulting in an adverse effect on privacy. Furthermore, without the appeal site being enclosed through a boundary treatment, headlights from vehicles could shine into the garden areas between the gaps of the containers or directly into the plots if a container was removed from the site. This exposure would lead to undue disturbance to the living conditions of the occupiers of Nos 44-50.
8. Whilst there is some existing fencing and the occupiers of the residential plots of Nos 44-50 could install fencing on their own land, Policy CS19 of the Gravesham Local Plan Core Strategy (2014) (GLPCS) requires new development to safeguard the amenity of neighbouring properties. This places the onus on the proposed development to mitigate any adverse impacts on the adjacent neighbours that would occur as a result of the development.
9. It is therefore reasonable and necessary that the development which generates the requirement for such mitigation, provides and maintains a satisfactory boundary treatment to ensure the living conditions of the occupiers of Nos 44-50 are not adversely affected throughout its operation.
10. The appellant has stated that the condition would be ineffective given the height of the storage containers exceeds 2m. However, the boundary treatment at 2m in height would contain the majority of the bulk and mass of the containers behind it which I am satisfied would address the effect on outlook. Furthermore, the 2m boundary treatment would also be effective at ensuring the security of the residential plots and minimising any undue disturbance through the headlights of vehicles.
11. The appellant also states that due to the containers being sited immediately adjacent to the boundary with the properties along Ediva Road, there is insufficient space to install a fence. However, this is not substantiated further in the evidence. With reference to the approved site plan³, it is unclear as to why a fence or similar boundary treatment could not be installed behind the containers and on land in the control of the appellant. I have not been presented with any convincing evidence

³ Drawing no 4260 01.

that the siting of a fence behind the containers would undermine or nullify the ability of the appellant to place containers within the area marked out on the site plan along this boundary. Given the fencing would be on land controlled by the appellant, I am satisfied that the condition would be enforceable.

12. I therefore conclude that the deletion of condition 2 would lead to an adverse effect on the living conditions of the occupiers of Nos 44-50. The condition is required in order to make an otherwise unacceptable development, acceptable. Without the condition, the development would conflict with Policy CS19 of the GLPCS, insofar as it relates to new development safeguarding the amenity of neighbouring properties. The disputed condition is therefore necessary, reasonable and enforceable.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR