
Appeal Decision

Site visit made on 19 April 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 01 June 2017

Appeal Ref: APP/K2230/W/17/3166585

Whiteways, Horns Oak Road, Meopham, Gravesend, DA13 0BX

- 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 Mr Gary Measter against the decision of Gravesend Borough Council.
 - The application Ref 20160792, dated 14 August 2016, was refused by notice dated 24 October 2016.
 - The development proposed is conversion of existing garage/annex to residential accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage/annex to residential accommodation at Whiteways, Horns Oak Road, Meopham, Gravesend, DA13 0BX in accordance with the terms of the application, Ref 20160792, dated 14 August 2016, subject to the conditions in Annex A.

Procedural Matters

2. I understand that the appellant states that the building is currently a family annex occupied by the appellant's daughter. The ground floor is in use and occupied. However the term retrospective is not an act of development. Therefore I have considered the appeal as an application for planning permission for the conversion of existing garage/annex to residential accommodation as detailed on the application form.
3. There is some dispute about the extent of the 'plot' associated with the building. The appellant confirms that the development proposed is shown on plan 578-05.P7. The appeal is considered on this basis.

Main Issues

4. The site is located in the Green Belt and the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area, with particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB);
-

- Whether the appeal proposal would be an isolated development in the countryside;
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and openness

5. Development within the Green Belt is inappropriate unless it falls within an exception identified in paragraph 89 or 90. Paragraph 90 of the Framework establishes that certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. The Council and appellant have both referred me to the exception that allows for '*the re-use of buildings provided that the buildings are of permanent and substantial construction*'.
6. The garage building was initially a triple garage. It was given planning permission for conversion into a double garage with shower room, stairs and two habitable rooms above¹. This was controlled by condition to prevent occupation as a separate residential dwelling. The appeal proposal would be to use the existing building as a separate residential dwelling.
7. The existing structure is constructed from brick and timber cladding with a tile roof. The use of the building proposed would not require any additional external alteration or significant alteration required to facilitate the use proposed. In addition there would not be any additional built form over and above the existing building. The appellant confirms that the submitted drawing 578-05 P7 shows the 'plot' that would be associated with the building. This would encompass an area of existing parking. The remainder of the area shown to be associated with the building is currently laid to grass. This area is shown on the plans to be enclosed with a post and rail fence with native planting.
8. Given its position and the fact that the use of building would not lead to it being materially larger, the proposed development would not prejudice the fundamental aim of Green Belt policy, described in the Framework, as to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt. The bulk of the built form would not be increased and the site is such that the detail of the proposal, using similar fencing and planting to existing, would assimilate into the site. Therefore the loss of openness would be minimal. It would also not alter the essential characteristics of the Green Belt, described as openness and permanence.
9. For these reasons I therefore conclude that the proposal would not be inappropriate development and would benefit from the exception listed in paragraph 90 of the Framework.

Character and appearance and the AONB

¹ LPA Ref 20080646

10. The existing buildings on the wider site include the dwelling Whiteways, a stable building and the appeal building itself. The buildings and the land around them have a generally rural character and appearance which assimilates comfortably into the scenic beauty of the AONB.
11. The building already has an external appearance of a garage. The plans indicate that this would not change. The area around the building would not see a significant change. The parking would be adjacent to the access track. The use of the building would include an area of land to the front of the dwelling. It is possible that the independent use could see a marginal increase in domestic paraphernalia. Nevertheless, the building sits adjacent to Whiteways which is a substantial dwelling and other dwellings on Horns Oak Road which sit within large residential plots. Within this context it would not be out of place.
12. Within the wider landscape the site would be well contained and long range views would be extremely limited. The site sits within the Hazelwood Downs Landscape Character Assessment (LCA) area where the landscape condition is identified as moderate as is the sensitivity to change. I note that the building is visible at a local level. However, these views are intermittent and the new planting and hedging would serve to lessen the impact of the building. In this regard I do not consider that the change in use of the building would in any way increase its prominence.
13. I therefore conclude that the proposal would conserve the landscape and scenic beauty of the AONB and LCA. It would therefore not be contrary to policies CS02 and CS12 of the Gravesham Local Plan Core Strategy (CS). These policies amongst other things seek to conserve, restore and enhance the overall landscape character and valued landscapes.

Location of the development

14. The decision notice refers to paragraph 55 of the Framework which seeks to avoid isolated dwellings in the countryside. The Council's report identifies the proximity of the closest facilities which include 'Camer Parade' and Meopham schools. The Council argues that the scheme would result in an unsustainable and sporadic form of development. I acknowledge the site is within the countryside, and therefore at some distance from local services and facilities, or a town centre, meaning that occupants are likely to be reliant on the private car for journeys. In addition I appreciate that none of the exceptions in paragraph 55 applies here. However, overall, I consider that the travel movements associated with a single dwelling are not likely to be significant. Further, this site cannot be regarded as a truly isolated rural location, as it is reasonably close to other dwellings and would be as close to services and facilities as the existing dwellings.
15. Therefore, although the site is in a rural location, this should not automatically preclude this development, as long as it can be accommodated without causing harm to the character and appearance of the locality, and AONB. Taking all of these matters into account, I conclude on this issue that there would not be conflict with the sustainability objectives of national or local policy.

Other matters

16. The Council has drawn my attention to a number of other decisions². The Knights Cottage decision is distinct from the appeal scheme in that the buildings would have required significant structural alteration to facilitate an enlargement to allow conversion to accommodation. The decision at Pear Tree Lane was for a scheme that was advanced as 'limited infilling'. In that case the inspector found that the scheme would not be infilling and as such would be inappropriate development. Again this is distinct from the scheme before me.

Conditions

17. The Council suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the Framework and where necessary amended them. In particular detail of hard surfacing and means of enclosure; soft landscaping and external lighting are sought. In addition a condition is suggested that would remove certain permitted development rights for extensions.
18. In the interests of character and appearance it would be necessary and reasonable to secure the details of hard and soft landscaping to be submitted. The site is located in the green belt and to ensure that the impact on openness remains minimal it would be reasonable to require details of enclosure and lighting and also to remove permitted development rights for some extensions.

Conclusion

19. For the reasons given the proposal would not be inappropriate development in the Green Belt and would not harm the openness or character and appearance of the area. For the reasons given and having regard to all other matters raised the appeal is allowed.

D J Board

INSPECTOR

² APP/K2230/W/16/3157994; APP/K2230/A/12/2186760

Annex A – Conditions

- 1) Unless within 1 month of the date of this decision a scheme for the hard and soft landscaping including means of enclosure, details of car parking surfacing, drainage and layout; scheme for external lighting, are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site and occupation of the building as a separate residential dwelling shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the site and occupation of the building as a separate residential dwelling shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) No development under the provisions of Article 3 of and Class A and B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) shall be carried out on the dwelling.

END