
Appeal Decision

Site visit made on 7 August 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 23rd August 2017

Appeal Ref: APP/T2215/W/17/3169846

East Lodge, Station Road, Southfleet, Kent DA13 9PA

- 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 Victor Neilson against the decision of Dartford Borough Council.
 - The application Ref DA/16/00605/FUL, dated 13 April 2016, was refused by notice dated 22 December 2016.
 - The development proposed is the erection of a detached dwelling with a double garage ancillary to main house.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the consideration of the application by the Council amended plans were submitted which included the re-siting of the proposed dwelling further into the site (drawing SK1 revision B). I have therefore determined the appeal on the basis of the amended plan.
3. Additionally, planning appeals must be determined on the basis of the development plan as it exists at the time of the Inspector's (or the Secretary of State's) decision. During the course of the appeal, the Council has adopted the Dartford Development Policies Plan (DDPP) on 17 July 2017. This has superseded the policies in the Borough of Dartford Local Plan (1995) (OLP). The appellant has been given the opportunity to comment on the implications of this in relation to the appeal before me.

Main Issues

4. The main issues are:
 - (i) whether the appeal site is located within the Green Belt;
 - (ii) whether the proposal would be inappropriate development in the Green Belt;
 - (iii) the effect on the openness of the Green Belt;
 - (iv) whether the proposal is sustainable development;
 - (v) other considerations; and
 - (vi) if the proposal would be inappropriate development, 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

Is the site within the Green Belt?

5. The National Planning Policy Framework (the Framework), at paragraph 83, outlines that local planning authorities should establish Green Belt boundaries in their Local Plans. Once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan.
6. My attention has been drawn to the OLP, the Dartford Core Strategy (2011), the DDLP, together with the Betsham Area of Special Residential Character Appraisal (2000) (BASRC). The OLP proposals map shows the site (at a scale of 1:10,000) which includes a village development boundary and the Green Belt. Whilst this map is at a large scale, it is clear that the Green Belt boundary is located to the north-west of the building of "Longleat". To my mind, this shows that the part of the appeal site where the proposed dwelling is located is within the Green Belt.
7. Unhelpfully, the BASRC shows a different boundary to the village than that is shown in the OLP. However, more significantly, the plan does not identify any Green Belt land or the Green Belt boundary. Furthermore, from the evidence before me, the BASRC does not form part of the Development Plan.
8. The Council have recently adopted the DDLP which includes a proposals map. From that map, it is clear that the site is located partially within the Green Belt. The Council have also confirmed that the Green Belt boundary has not altered since the OLP in relation to this site.
9. At my site visit I saw that there was not any features which would help identify the exact boundary to the Green Belt. However, this does not alter the defined position as shown on the proposals map to the DDLP.
10. Taking all of the above into account, I conclude that the appeal site lies partially within the Green Belt.

Whether the proposal would be inappropriate development in the Green Belt

11. Paragraph 89 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages, limited infilling or the partial or complete re-development of previously developed sites (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development¹.
12. In considering whether the proposal constitutes inappropriate or not inappropriate development, both the fifth and sixth bullet points of paragraph 89 refer to 'limited infilling' although this is not explicitly defined.
13. In that sense, I consider that infilling is the development of land for residential purposes which would close an existing small gap in an otherwise built up frontage. On this basis, the proposed dwelling could not be classed as infilling owing to its location on the extremities of the village with no adjoining

¹ Fifth and sixth bullet points of paragraph 89 of the Framework

- development to the east or north. Therefore the exemption in the fifth bullet point, and the first part of the sixth bullet point, do not apply.
14. For the remaining part of the sixth bullet point to apply, the appeal site would have to be previously developed land. The Framework defines previously developed land but this excludes land in built up areas such as private residential gardens.
 15. The Council acknowledge that East Lodge is located within the defined village confines and is within the built up area. The Council also state that the appeal site forms part of garden area to East Lodge. However, the Council have also stated that the appeal site is defined by the red line of the planning application which falls outside of the village confines within the Green Belt and not therefore within the built up area.
 16. If the land is not previously developed land, it is clear that the proposal would be inappropriate development in the Green Belt. However, if the site forms part of the garden area to East Lodge (and I have no reason to disagree with that view), then it follows that in order to determine whether it would be inappropriate development it is necessary to consider whether or not the proposal would have a greater impact on openness than the existing development.

Openness of the Green Belt

17. Paragraph 79 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
18. The appeal site has a number of structures on it including animal shelters, garden sheds and other outbuildings. However, not all of these are located within the Green Belt.
19. Whilst I have not been provided with full details of these existing buildings from what I observed on site these are significantly smaller than the proposed dwelling.
20. Whilst these buildings would be removed as part of the development, the new dwelling would result in a greater amount of built form when compared to the existing situation. This additional development would inevitably lead to the loss of Green Belt openness. Furthermore, the additional of further domestic paraphernalia would add to the loss of openness.
21. Given my conclusions above, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraph 89 of the Framework. Furthermore, the development would also lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, Policies CS1 and CS13 of the CS and Policy DP22 of the DDPP.

Sustainable development

22. The appeal site is located on the south side of East Lodge which is located on Station Road in the Betsham area of Southfleet. It is also within the Betsham Area of Special Character.

23. From what I saw from my site visit, there are very few facilities in Betsham and the future occupiers would have to travel to nearby villages such as Southfleet, Bean, Hartley or the Bluewater shopping centre. Whilst I acknowledge that there is a bus service along Station Road, from the limited evidence before me this does not provide a frequent service. Given the road network, which has unlit footpaths and no segregated footways beyond the immediate built up area, walking or cycling to such facilities would not be an attractive option. Therefore there would be a reliance on travel by the private motor vehicles which is the least sustainable mode of transport. Notwithstanding that, to gain access to such services would not lead to excessive amounts of travel. Consequently the harm arising from such is moderate.
24. Notwithstanding that, Policy CS10 provides for an assessment of the benefits and disbenefits of developments. In this case, I acknowledge that the Council consider that the proposal would not harm the character and appearance of the area nor would it give rise to any harm to the living conditions of the occupiers of adjoining residential properties. I also note that no case has been advanced that the existing infrastructure could not cope with the additional demands on it as a result of the development and I have no reason to disagree.
25. I have also taken into account the personal circumstances of the Appellant, the sensitive design of the development including its 'green' credentials such as a sedum roof, sustainable drainage and low carbon materials. All of these matters are in favour of the development.
26. In weighing up the benefits and disbenefits, in accordance with Policy CS10, I must take into account the harm to the openness of the Green Belt. To my mind, the Green Belt harm is significant. This, together with the moderate harm in relation to the accessibility of the site, would result in a proposal which would not be sustainable development.
27. For the above reasons, the development would not be an acceptable windfall site as a result of the harm to the Green Belt and the moderately unsustainable nature of the location of the site. There would be insufficient benefits to outweigh that harm. The proposal would therefore be contrary to Policies CS1 and CS10 of the CS which amongst other matters seek to promote sustainable patterns of development and that less appropriate areas are protected.

Other considerations

28. The appeal site lies close to Joyce Hall and the Crinkle Crankle wall to the north of the Hall, both of which are Grade II Listed Buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these buildings. In this case, I agree with the Council that the development would not have an adverse impact on the setting of these buildings. Therefore, I find that the proposal would accord with the conservation aims of the Framework.
29. I have also had regard to the processing of the appeal application and the issue of when the Green Belt issue was raised with the Appellant. However, these are procedural matters away from the planning merits of the case and I therefore give them very little weight.

Green Belt balance

30. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
31. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore, by definition, be harmful to the Green Belt. I have also identified some harm in relation to the moderately unsustainable location of the site. The lack of harm in respect of heritage matters is a neutral factor.
32. In considering the substantial weight given to Green Belt, the benefits outlined by the Appellant do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case (including the green credentials of the development and the Appellants personal circumstances) do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the development would conflict with the Framework and Policies CS1 and CS13 of the CS and Policy DP22 of the DDPP.

Conclusion

33. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR