
Appeal Decision

Site visit made on 24 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/K2230/W/19/3223956

Thong House, Thong Lane, Shorne, Gravesend DA12 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Turner against the decision of Gravesham Borough Council.
 - The application, Ref 20181068, is dated 9 October 2018.
 - The development proposed is the erection of a double garage and log store.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr C Turner against Gravesham Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:

(i) whether the proposal would be inappropriate development for the purposes of section 13 of the National Planning Policy Framework (2018) and development plan policy;

(ii) the effect of the proposal on the openness of the Green Belt;

(iii) the effect of the proposal on the character and appearance of the surrounding countryside and the setting of the Thong Conservation Area;

(iv) the effect on highway safety, with particular regard to vehicular access to and from Thong Lane; and

(iv) if the proposal is 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

Whether the proposal would be inappropriate development

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. The proposal would comprise the erection of

a double garage and log store on land that is a significant distance from Thong House. It would not involve an extension or alteration to the house and is not a form of development that falls within any of the other exceptions listed at paragraph 145. For these reasons it would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

5. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
6. The appeal site comprises Thong House, its garden – which includes some substantial outbuildings – and a strip of paddock next to the neighbouring property, Orchard House. The paddock forms part of open countryside to the east of the settlement of Thong. The proposed double garage and associated log store would be located within the paddock and would, due to its volume and bulk, reduce, and therefore cause harm to, the openness of the Green Belt. The proposal therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Character and appearance

7. The proposal would be of traditional design with weatherboard clad walls and a pitched roof formed of plain tiles. This form of development would not look out of place in a domestic environment close to a house or as part of a group of farm buildings. The proposal however would be sited in a paddock, some distance removed from Thong House and its associated outbuildings, and outside the confines of the settlement, which are very clearly defined by the mature hedges which demarcate the boundaries between domestic and agricultural land. These hedges also form the boundary of the Thong Conservation Area, which is a linear hamlet essentially comprising properties laid out to either side of Thong Lane. The surrounding fields form the setting of the Conservation Area and a key aspect of this setting is its openness and the absence of domestic development.
8. Due to its siting and size and the domestic activities associated with it, the proposal would be an incongruous form of development in the countryside that would have an unacceptable effect on the setting of the Thong Conservation Area and the character and appearance of the surrounding countryside. For these reasons the proposal is therefore contrary to Policies CS12, CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) (CS) which seek to ensure that the natural and historic environment are conserved.

Highway safety

9. The application drawings indicate that the proposal would include doors that would face Thong House and therefore cars going to and from the proposed garage would do so by way of the main entrance to the property from Thong Lane. There is no indication that the track to the north would be used and I am satisfied that use of the track could be prevented by way of a planning condition.

10. Whilst the layout of hardstanding is not shown on the application drawings, I am satisfied that there is scope within the site for cars to turn and exit the site via the main gates in forward gear. There is nothing before me to indicate that such an arrangement and the likely increase in cars using this gate would result in unacceptable harm to highway safety on Thong Lane. The proposal therefore accords with Policy T5 of the Gravesham Local Plan First Review (1994) which seeks to ensure that no danger would arise as a result of the intensification of an existing vehicular access.

Other considerations

11. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
12. The appellant states that a garage building of lesser height could be constructed in the position proposed by virtue of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Subject to various limitations this allows for the provision of buildings incidental to the enjoyment of a dwellinghouse within the curtilage of a dwellinghouse.
13. Reference is made to a Lawful Development Certificate issued in 2007, full details of which are not before me. This confirmed that the provision of a caravan at Thong House did not require planning permission. Whilst I note the red line plan associated with the Certificate included the site of the proposed garage, the Certificate does not demonstrate that Class E of the 2015 Order is satisfied. In the absence of a Lawfulness Development Certificate to demonstrate unequivocally that a garage for the purposes intended in the location proposed accords with Class E of the 2015 Order I attribute limited weight to the suggested fall-back position.

Green Belt balancing exercise

14. I have found harm to the Green Belt by way of inappropriateness and to its openness. Substantial weight must be attached to any harm to the Green Belt. In addition, I have found harm in respect of the effects of the proposal on the setting of the Thong Conservation Area and the character and appearance of the surrounding countryside. I attach substantial weight to this harm as well. For the reason given above, the other considerations do not clearly outweigh the harm to the Green Belt and the other harm.
15. Very special circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and CS Policies CS01 and CS02. Amongst other matters the latter states that development proposals will be supported where they are compatible with national policies for protecting the Green Belt and policies in the CS.
16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR

