
Appeal Decision

Site visit made on 23 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/T2215/W/19/3224404

Land adjacent to Wastdale, Red Street, Southfleet DA13 9QE

- 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 B Dawson against the decision of Dartford Borough Council.
 - The application Ref DA/18/00514/FUL, dated 13 April 2018, was refused by notice dated 12 October 2018.
 - The development proposed is the erection of 1 house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including the setting of Wastdale, a Grade II listed building, and the Broadditch Pond Southfleet Area of Special Character,
 - Whether the site is a suitable location for a dwelling with regard to development plan policies, and
 - 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 or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at paragraph 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, is listed as one exception.

4. The site lies adjacent to an existing dwelling, Wastdale and within the surrounding land associated with that dwelling. It is located adjacent to the junction of two roads and currently has an open and spacious appearance. I noted that on site there were the remains of a former building which occupied the site, but that these remains were limited and comprised only the lower parts of walls and a chimney. There was also what appeared to be the remnants of a stone floor to the building. I am conscious that within the appellants statement there is reference to recent clearance of the site of scrub and growth. In my view, the remains of the former building have blended into the landscape. They are viewed as minor elements that have been subsumed into the area around Wastdale and comprise part of the dwellings' surroundings.
5. However, I am also aware that residential gardens, that are not in built-up areas, are not excluded from the definition of PDL in the Framework. The Council and the appellant agree that the area around the site is not built-up and based on my observations, I have no reason to disagree. The site would therefore comprise PDL on this basis.
6. Paragraph 133 of the Framework indicates that openness and permanence are the essential characteristics of the Green Belt. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. Whilst I have found that the site is PDL, the exception as outlined in paragraph 145 (g) of the Framework also requires that any new building should not have a greater impact on the openness of the Green Belt than the existing development. As I have outlined above, the existing development is what remains of the former building which occupied the site and is limited to some low walls, a chimney and stone floor. These elements have very little visual presence on the site and consequently they have a negligible impact on openness.
7. The proposed dwelling, by comparison, would be a substantial two-storey structure. It would be orientated to address the highway to the east and would have a significant visual presence. It would be an obvious feature when approaching the site and, in my view, would result in a considerable loss of openness of the Green Belt at this location. Furthermore, there is likely to be paraphernalia that would be associated with an additional residential unit, that would also diminish the openness of the site.
8. The scheme would therefore comprise inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The scheme would therefore conflict with Policy CS13 of the Dartford Core Strategy (2001) (the Core Strategy) and Policy DP22 of the Dartford Development Policies Plan (2017) (the Policies Plan). These policies seek to resist inappropriate development in the Green Belt, in accordance with national planning policy. The scheme would also conflict with the guidance of the Framework.

Character and appearance

9. Wastdale lies adjacent to the appeal site and is a Grade II listed building. The listing description that has been provided identifies that the significance of the building lies in it being an example of an early 17th century timber-framed building, with a 17th century brick chimney stack. I also observed that there is a spacious garden area, with an open area providing separation between the listed building and the highway, which also contributes to its significance as a designated heritage asset.

10. The scheme would result in a new dwelling, with substantial bulk, occupying part of the spacious garden. The scheme would, despite its separation from the existing dwelling, be an overly dominant and imposing structure that would compete for visual dominance with Wastdale. Whilst there may have been a building present on this site previously, this is no longer present, and I have considered the effect of the proposal on the setting of Wastdale as it currently exists. As such, I find that the scheme would fail to preserve the setting of the Grade II listed building.
11. The site also lies within the Broadditch Pond Southfleet Area of Special Character (ASC). I observed that a key characteristic of this area was the presence of open spaces between buildings which created a sense of spaciousness. The proposed dwelling would erode this spaciousness by introducing a substantial built element into a currently open area. This would be harmful to the existing character and appearance of the ASC.
12. Whilst the proposed dwelling would be located along a road frontage, this is not an unusual feature in the surrounding area, with Wastdale itself being sited alongside the road. As such, this matter in itself would not result in harm. Moreover, whilst the scheme would result in the division of an existing plot, the resultant plots would not be inconsistent with the extent of plots in the surrounding area and as such, the scheme would not be unsympathetic to local character in this respect. The lack of harm in these respects does not however diminish the harm that I have identified above.
13. Accordingly, the scheme would have an adverse effect on the character and appearance of the area, including the setting of Wastdale, a Grade II listed building, and the Broadditch Pond Southfleet Area of Special Character. Thus, the scheme would conflict with Policies DP12 and DP13 of the Policies Plan. Together, and amongst other things, these policies seek to ensure development contributes to the conservation and enjoyment of the Borough's historic environment and that heritage assets are conserved.
14. In failing to preserve the setting of the listed building and harming the ASC, I find that the scheme would result in less than substantial harm to designated heritage assets. As required by paragraph 196 of the National Planning Policy Framework (the Framework), I have had regard to the limited public benefits of the proposed development identified, particularly in this case the provision of additional housing. However, any such benefit is not sufficient to outweigh the harm that I have identified.

Whether the site is a suitable location for a dwelling with regard to development plan policies

15. Policy D6 of the Policies Plan states that windfall residential development will be permitted in line with an assessment in accordance with Policy CS10 of the Core Strategy. Policy CS10 set out that such developments will be assessed having regard to, amongst other things, the sustainability of the site for housing and whether the benefits outweigh the disbenefits. The aim of this is so that the delivery of housing does not undermine the spatial strategy of the Core Strategy as set out in Policy CS1.
16. The Council highlight that the nearest community facilities are a primary school and village hall, approximately 900 metres (m) from the site, which exceeds the 800m which is recommended in the Housing Windfall Supplementary Planning Document (2014) (the SPD). It is also highlighted that, whilst there is a bus stop directly outside of the site, that the service from this location is infrequent. I note that there is a farm shop and public house within 400m of the site however I do

not consider it likely that these would be able to cater for all of the day-to-day requirements of any future occupiers of the property. As such, it is likely that there will be a heavy reliance on the use of the private motor car for residents to access services. This would be a disbenefit of the scheme.

17. I acknowledge that there would be benefits in terms of the provision of new housing, however this would be limited given the scheme is for a single dwelling. There would also be some economic benefits, but these would also be limited. I also acknowledge that there was once a dwelling on this site however from the evidence before me, this has not existed for a significant period of time and as such provides no over-riding justification for the creation of a new residential unit at an unsuitable location.
18. As such, I find that the benefits of the scheme do not outweigh the significant disbenefits in terms of the harm to the Green Belt, to the character and appearance of the area and the lack of access to services by public transport. Consequently, the scheme would conflict with Policy DP6 of the Policies Plan and Policies CS1 and CS10 of the Core Strategy. The scheme would also conflict with the SPD.

Other considerations

19. The scheme would provide an additional unit of housing and would result in limited economic benefits, both during construction and afterwards. These matters are not sufficient however to outweigh the harm that I have identified above.

Other Matters

20. There is reference made of other developments within the vicinity of the site that have been granted planning permission. However, full details of these examples have not been provided and as such I am unable to make any meaningful comparison between them and the appeal scheme. In any event, I have evaluated the scheme before me on its own merits.
21. I also note reference to a willingness to re-site the proposed dwelling if that would overcome the concerns expressed by the Council. However, I have judged the scheme on the basis of the details before me.

Conclusion

22. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above. However, these, individually or when considered together, are not sufficient to amount to the very special circumstances necessary to justify the development. Thus, the proposal would be contrary to the requirements of the Framework and would conflict with Policy CS13 of the Core Strategy and Policy DP22 of the Policies Plan.
23. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR