
Appeal Decision

Site visit made on 24 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/T2215/W/19/3224947

Sutton House, Hawley Road, Hawley DA1 1PX

- 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 Bernard and Mrs Wendy Dixon against the decision of Dartford Borough Council.
 - The application Ref DA/18/01153/FUL, dated 3 September 2018, was refused by notice dated 15 November 2018.
 - The development proposed is the erection of one 4 bedroom detached dwelling with integral garage.
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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 setting of Sutton House, a Grade II listed building,
 - 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. Limited infilling in villages, is listed as one of the exceptions (paragraph 145 e) refers). As the scheme comprises only a single dwelling, it would in my view comprise

- limited infilling. The key factor to consider therefore is whether the site is in a village.
4. The site lies to the south of Hawley Road and occupies a position between the property of Sutton House to one side and a restaurant to the other. There are further buildings to the other side of Sutton House, however these have a loose arrangement, along both sides of the road. There is little cohesion between the buildings that are present, and they have the appearance of sporadic development along the road. The Council highlight that the site lies outside of the settlement boundary, however this is not determinative in whether the site lies within a village or not. Based on my observations however, the site is detached from the remainder of the settlement and has little relationship to it. The buildings within the immediate vicinity of the site do not constitute a settlement in their own right. As such, with the site's location, its limited relationship with existing development and to a settlement, and its physical circumstances, the site is not within what can be deemed a village.
 5. The site also forms part of the garden area associated with Sutton House. The Council comment that the site is not within a built-up area and I do not disagree with this view. As such, the site comprises previously developed land (PDL) as defined by the Framework. Further to paragraph 145 g) of the Framework, the partial or complete redevelopment of PDL is not inappropriate development, provided it would not have a greater impact on the openness of the Green Belt than the existing development.
 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. Currently the area is utilised as a parking area for the adjacent property, which whilst set behind a boundary wall, has a generally open appearance, notwithstanding the presence of trees. The proposed scheme would result in a substantial two-storey property being constructed, introducing a significant amount of development to the location. This would fail to preserve, and there would be a loss of, the openness of the Green Belt at this location.
 7. Consequently, in light of the above, the scheme would fail to accord with the exceptions provided by paragraph 145 of the Framework. The proposal would therefore be inappropriate development, 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 (2011) (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.

Setting of Sutton House

8. Directly adjacent to the site is the Grade II listed building, Sutton House. The significance of this designated heritage asset lies in part to it being a timber framed building re-faced with stucco, dating from the 17th century or earlier. The building is set within generous and spacious grounds which also contributes to its significance.

9. The scheme would introduce a new dwelling into the site, curtailing part of the spacious grounds which surround the listed building. The proposed dwelling itself would sit in close proximity to Sutton House and given its scale and height, would be an overly dominant and imposing building. It would compete for visual dominance with the listed building, diminishing its significance.
10. Whilst the scheme would likely result in domestic paraphernalia within the site, this is also possible in respect of the existing residential use of Sutton House. I do not find that the scheme would be harmful in this regard, nevertheless this does not overcome the concerns as I have outlined above.
11. Thus, the scheme would have a substantial adverse effect on, and would fail to preserve, the setting of Sutton House, a Grade II listed building. This would conflict with Policy DP13 of the Policies Plan, which seeks to ensure that heritage assets are conserved.

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

12. Policy D6 of the Policies Plan states that windfall residential development will be permitted following an assessment in accordance with Policy CS10 of the Core Strategy. Policy CS10 sets 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.
13. The Council outline that the site is not within an acceptable walking distance of a range of public and community facilities. Health services are in excess of a mile distant, as is public open space. The nearest shop is 950 metres (m) away and schools 0.7 miles and 1.5 miles distant. However, I note that the Council refers to a north-bound bus service to Dartford Town Centre, which enables access to shopping facilities, a train station as well as other bus links. There is also a south-bound service to South Darenth. Whilst the Council states that services are infrequent, it is also referenced that services are every 30 minutes. This, in my view, is sufficiently frequent to provide the occupiers of the site with a realistic alternative to using the private car. As such, I find that the site would have an acceptable level of access to services, with access to sustainable transport options.
14. Nevertheless, when considering the benefits versus the disbenefits, the provision of an additional housing unit together with limited economic benefits that would arise, do not outweigh the significant adverse effects in terms of harm to the Green Belt and to the setting of the listed building. Consequently, the scheme would conflict with Policy DP6 of the Policies Plan and Policies CS1 and CS10 of the Core Strategy.

Other considerations

15. 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.

Conclusion

16. 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, in respect of its location in the Green Belt.
17. Therefore, for the reasons given and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR