
Appeal Decision

Site visit made on 9 June 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/T2215/W/19/3242807

Woodside, Hook Green Lane, Wilmington DA2 7AJ

- 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 W Taylor against the decision of Dartford Borough Council.
 - The application Ref DA/19/00561/COU, dated 15 April 2019, was refused by notice dated 11 October 2019.
 - The development proposed is change of use and extension of existing stable block to a 3 bedroom dwelling together with associated alterations to elevations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr W Taylor against Dartford Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - Whether the site would be a suitable location for housing with regard to development plan policies; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The National Planning Policy Framework (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. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a

- number of exceptions including those set out in paragraph 145 of the Framework.
5. In addition, Paragraph 146 of the Framework allows for certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and e) material changes in the use of land.
 6. Policy CS13 of the Dartford Core Strategy Adopted 2011 (the Core Strategy) and Policy DP22 of the Dartford Development Policies Plan Adopted 2017 (the DDPP) state that inappropriate development in the Green Belt will be resisted in accordance with national planning policy. Furthermore, Policy DP22 states that applications for re-use should relate to lawful permanent buildings of substantial construction. They should take into account the character and scale of the existing building and in circumstances where character and scale are important to local setting, excessive external alterations and additions will not be permitted.
 7. There is no dispute between the parties that the existing stable block is of permanent and substantial construction. Based on what I observed at my site visit I am satisfied that this is the case. Therefore, in order to meet the exceptions in paragraphs 146 d) and e) of the Framework, it is necessary to assess the effect of the proposed development on openness. Openness is the absence of development and can have both spatial and visual aspects. The impact of a development on openness is not necessarily related to just its size but also its purpose.
 8. In this case, the existing stable block, because of its plain, functional appearance and limited scale, reflects the nature of its use and the character of the rural environment. The proposed alterations to the building would create a building of greater scale and a domestic character and appearance that would have an urbanising effect. The residential garden and associated domestic paraphernalia, such as washing lines, outdoor seating, play equipment and garden equipment, would add to the urbanising effect and would not be mitigated by internal storage provision.
 9. The visual impact of the proposal would be confined to a degree by the vegetation on the site boundaries. However, this is a natural feature that cannot be relied on in perpetuity to screen the development. The vegetation would not eliminate the visual impact on the Green Belt openness arising from the increase in scale of the building and its domestic appearance. A condition to supplement the existing vegetation would not overcome the above harm.
 10. Taking these factors together, the proposal would cause harm to the openness of the Green Belt. As such, the proposal would not comprise an exception to inappropriate development when assessed against paragraphs 146 d) and e) of the Framework.
 11. I note that the Council has raised concerns that the proposal would potentially cause pressure for development at the adjacent paddock, however I have determined the appeal on the basis of the proposal before me.

12. The appellant considers that the alterations and extensions fall under the exception of paragraph 145 c). Whilst I accept that they do not result in disproportionate additions over and above the size of the original building, this does not alter my findings with regards to the overall harm caused to the openness of the Green Belt.
13. Furthermore, paragraph 145 g) of the Framework relates to the limited infilling or the partial or complete redevelopment of previously developed land. This criterion requires consideration of openness in identifying exceptions to inappropriate development. Therefore, it would not alter my findings above.
14. Consequently, taking all of the above together, the proposal would fail to preserve the openness of the Green Belt. Furthermore, paragraph 134 of the Framework sets out the five main purposes of including land in the Green Belt. Given the urbanising effect of the proposal, it would conflict with one of the purposes of the Green Belt to safeguard the countryside from encroachment. I do not consider that it would conflict with the other 4 purposes. The proposal would therefore be inappropriate development in the Green Belt. This is harmful by definition.

Location

15. Policy DP6 of the DDPP states that windfall residential development may be permitted following assessment in accordance with Policy CS10 of the Core Strategy. Policy CS10 states that these developments will be assessed having regard to, amongst other things, the sustainability of the site for housing and whether the benefits outweigh the disbenefits. This is to ensure that the delivery of housing does not undermine the spatial strategy set out in Policy CS1.
16. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. However, its overall aim is to promote walking, cycling and public transport use, and reduce reliance on the private car as a mode of transport.
17. The appeal site is located within the countryside for planning purposes. The closest facilities and services are located in Wilmington and include: a church about 480 metres from the appeal site; a shop, hot-food takeaway and community hall at a distance of approximately 800 metres; primary and secondary schools between 800 metres and 1km away; and, a public house over 1km to the east. The nearest bus stops are in Leyton Cross Road and Common Lane at distances of around 700 – 800 metres.
18. The most direct route to services and bus stops would be through Hook Green Lane and Broad Lane, which consist of narrow and enclosed country lanes without a footway, and a speed limit of 60mph. These conditions would discourage walking and cycling for day to day access to services, which would be particularly dangerous after dark. There is also a route via the public right of way that runs to the north, however the use of this is unlikely to be attractive to future occupiers due to the distance to services; the lack of lighting and natural surveillance; and the un-made surface. Consequently, it would be highly likely that occupiers of the proposed dwelling would access services by private car. This would not accord with the environmental objectives in the Framework, which seek to mitigate and adapt to climate change and to reduce greenhouse gas emissions.

19. Whilst the existing stable block would generate car journeys, I consider that the occupation of the proposed dwelling would generate more frequent car journeys for day to day needs. Consequently, the proposal would lead to an increase in the need to travel by car, which would be a disbenefit of the scheme.
20. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. However, the support provided by the occupiers of the proposed dwelling to the services and facilities of Wilmington is likely to be limited, particularly given that the likely dependency on the car would encourage travel further afield.
21. 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 modest economic benefits from the construction and occupation of the proposed dwelling.
22. Consequently, I find that the benefits of the scheme do not outweigh the disbenefits in terms of the harm to the Green Belt and the lack of access to services and facilities by means other than the private car. The proposal would therefore be contrary to Policies CS1 and CS10 of the Core Strategy, Policy DP6 of the DDPP and guidance in the Dartford Housing Windfall Supplementary Planning Document 2014, which amongst other things, seek to promote sustainable patterns of development and minimise car use. The proposed development would also conflict with paragraph 78 of the Framework insofar as it promotes sustainable development in rural areas.

Other considerations and the Green Belt Balance

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I find that the proposed development would be inappropriate development and I therefore attach substantial weight to the harm to the Green Belt, in accordance with paragraph 144 of the Framework. In addition, I find that the proposal would conflict with development plan policies for the location of housing.
24. The appellant refers to Policy DP7 of the DDPP, which states that the creation of residential dwellings will be permitted *where supported by development plan policies*, amongst other matters. In this case, the appeal site is within the Green Belt where Policy DP22 is applicable. I have found that the proposal would be inappropriate development, which is a matter that attracts substantial weight.
25. The appellant draws attention to the fact that small sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly as indicated in paragraph 68 of the Framework. The proposal would provide new housing, however this would be a limited benefit given that the scheme is for a single dwelling. Modest economic advantages would also arise from the construction and occupation of the proposed dwelling.
26. I have had regard to the information that the appellant has provided with respect to previous Council decisions and appeal decisions. These do not however alter my findings on the main issues relating to this case. The

circumstances in each case are different and I am required to determine the appeal based primarily upon its own merits. I have therefore proceeded on that basis.

27. The appellant has indicated that he is willing to agree to a planning condition that ties occupation/ownership of the proposed dwelling to the continued use of the existing timber stables and paddock. However, there is no clear evidence before me to show the benefits that this would provide.
28. I have had regard to the representations of support from local residents, which indicate that there has been fly tipping in the access road and the proposal would act as a deterrent and improve security.
29. The other considerations identified in support of the scheme, even when taken together, do not clearly outweigh the totality of the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework, Policy CS13 of the Core Strategy and Policy DP22 of the DDPP, which state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR