
Appeal Decision

Site visit made on 20 October 2020

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/G2245/W/20/3251751

Land adjacent to the Old Rectory, Church Road, Halstead TN14 7HG

- 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 John Wansbury against the decision of Sevenoaks District Council.
 - The application Ref 20/00293/FUL, dated 3 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is the erection of a single detached dwelling and associated double garage.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the effect of the proposal on the Green Belt, including any effects on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the historic environment; and
 - if the proposal is found to amount to inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt.

Reasons

Effect on the Green Belt

3. Policy LO1 of the Council's Core Strategy (CS) states that development will be focussed within the built confines of existing settlements. Elsewhere, development will only take place where it is compatible with policies to protect the Green Belt (where relevant). Policy LO8 states that the extent of the Green Belt will be maintained. The National Planning Policy Framework (the Framework) states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate unless one of the exceptions specified in the paragraph apply. In this case the relevant exception is "*limited infilling in villages*".

4. The Council has adopted a Supplementary Planning Document (SPD) on Development in the Green Belt. This notes that the district contains villages which are "*washed over*" by the Green Belt. This is the case in Halstead which does not have a settlement boundary. The appellant referred to an appeal decision¹ in which the Inspector commented that settlement boundaries are not definitive when assessing whether a site is in a village for the purposes of paragraph 145 of the Framework. In this appeal there is no dispute that the site is in a village. The point at issue is whether it would represent limited infilling.
5. The Framework does not include a definition of limited infilling. However, the SPD does address this matter. The SPD does not rule out limited infilling in villages that are washed over by the Green Belt. It notes that there may be opportunities for limited infilling in parts of a village which have substantially built up frontages. The SPD defines a substantially built up frontage as "*an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene*". In my view the approach of the SPD is consistent with the Framework and I have had regard to it in my decision.
6. Church Road leads north west from the crossroads at the centre of the village. The appeal site is on the north east side of the road. Closer to the village centre the street scene on this side is characterised by detached houses set well back from the road in substantial and well-landscaped plots. These do not form a continuous built frontage. There is then an open field which extends up to the roadside. The Old Rectory is set within a large walled garden. The principal elevation faces south east, onto the garden, and the building is not strongly related to the road frontage. The appeal site, which contains a group of trees and other vegetation, provides a break in the built form.
7. Widmore Cottages, which adjoin the appeal site, comprises a pair of former farm workers' dwellings. These modest buildings do have a clear relationship to the road frontage but, as there are only two of them, they do not amount to a continuous frontage of several dwellings. On the other side of Widmore Cottages there is another open field adjacent to the road. My conclusion is that the appeal site does not fall within a substantially built up frontage. It follows that the proposal would not represent limited infilling and would amount to inappropriate development in the Green Belt.
8. Church Road has a loose knit settlement pattern, characterised by large and well-landscaped plots, the dominance of mature trees and landscaping and gaps in the built form, some of which enable extensive views out to the open countryside. These characteristics contribute to protecting the openness of the Green Belt. The appeal site is free of development above ground and contains trees and vegetation. The undeveloped nature of the site contributes to openness generally. The proposal would introduce a substantial two storey house with a further attic floor contained within a tall roof structure. The house, together with a large double garage, would largely fill the width of the

¹ APP/T0355/W/19/3238418

plot. To my mind this would result in significant harm to the openness of the Green Belt.

9. I conclude that the proposal would be inappropriate development which would be, by definition, harmful to the Green Belt. Moreover, there would be significant harm to the openness of the Green Belt. The Framework states that substantial weight should be given to these harms. The proposal would also be contrary to CS Policies LO1 and LO8.

Effect on the character and appearance of the area

10. Although the Council did not object in relation to the effect on character and appearance, the Parish Council (and others) did object on these grounds. The character of the area north east of Church Road has been described above. On the opposite side of the road is Halstead Place, which comprises a low density redevelopment of a former school site within a parkland setting. The Gatehouse, as its name suggests, is sited close to the road at the entrance to Halstead Place. It is a locally prominent building in the street scene due to its siting and distinctive design.
11. The elements of the street scene are therefore quite diverse, including the Old Rectory, set within its walled garden, open fields, former farm cottages and the parkland of Halstead Place. Nevertheless these elements combine harmoniously to create a distinctly rural feel. I do not think that the proposal would sit comfortably in these surroundings. I note that the architectural details and materials would draw on the Kent vernacular. Nevertheless, the scale of the proposed house, the lack of space in front and to the sides and the prominence of the parking and garaging would create a suburban character which would be at odds with the established character of Church Road. It would also compete with, and tend to dominate, the Gatehouse which currently provides an attractive focal point in the street scene.
12. I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with CS Policy SP1, which requires that development should respond to the distinctive character of the area, and with Allocations and Development Management Plan (ADMP) Policy EN1 which states that the form of development should respond to the scale and site coverage of its surroundings.

Effect on the historic environment

13. There are no designated heritage assets within the site. The archaeological potential of the site could be protected by a condition. The site is adjacent to the Halstead Conservation Area, which includes Halstead Place and the Old Rectory as well as the village core. The Old Rectory is a Grade II listed building.
14. Halstead Place forms a significant element within the conservation area. The rural character of Church Road makes a positive contribution to the significance of the conservation area. In my view the erosion of that character, as discussed above, would be harmful to the significance of the conservation area. Moreover, the Gatehouse (which is within the conservation area) has a locally important role in the street scene. That role would be diminished by the scale and proximity of the proposed development. This would also be harmful.
15. The proposal would therefore be harmful to the character and appearance of the conservation area, and its significance as a designated heritage asset,

through development in its setting. The Framework requires that any such harm is weighed against the public benefits of the proposal. I return to that balance in my conclusions. The proposal would also be contrary to CS Policy SP1 and ADMP Policy EN4 insofar as those policies seek to protect heritage assets and their settings.

16. I do not think that the appeal site makes an important contribution to the ability to experience and understand the Old Rectory, which faces away from the site and is primarily experienced within its own grounds. This setting would be unaffected and would, therefore, be preserved. Consequently, I do not think that the proposal would cause harm to the significance of this listed building.

Other considerations

17. The proposal would make a contribution to housing supply in a district which does not currently have the five year supply required by the Framework. However, given that there would be a net addition of just one unit, I attach only moderate weight to this factor.
18. Interested parties raised concerns regarding highway safety, overlooking and overshadowing, drainage and disruption during construction. There is no technical evidence of any highway safety concerns and I saw that there would be adequate visibility at the site access. There would be sufficient separation from nearby dwellings to avoid unacceptable harm to living conditions in terms of overlooking or overshadowing. To the extent that the site provides drainage for adjoining dwellings, this would be a civil matter. The Council is satisfied that drainage for this proposal could be adequately controlled under other legislation. I agree. Impacts during construction would be temporary and would also be controlled under other legislation.

Conclusions

Heritage balance

19. The proposal would cause harm to the significance of the Halstead Conservation Area, through development in its setting. The proposal would result in the public benefit of one unit of housing supply. In my view that benefit is not sufficient to outweigh the harm to significance. The proposal is therefore in conflict with the policies of the Framework relating to the historic environment.

Green Belt balance

20. The proposal would represent inappropriate development which would be, by definition, harmful to the Green Belt. Moreover, there would be significant harm to the openness of the Green Belt. In accordance with the Framework, I attach substantial weight to these harms. The proposal would also result in harm to the character and appearance of the area and to the significance of the Halstead Conservation Area. The addition of one unit of housing supply is a consideration weighing in favour of the proposal. In my view that consideration is not sufficient to clearly outweigh the harm to the Green Belt and other harms. Consequently, the very special circumstances required to justify development in the Green Belt do not exist and the proposal is in conflict with the Framework in this respect.

Paragraph 11 of the Framework

21. This is a proposal for housing in a situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. However, the application of policies in the Framework relating to Green Belt and designated heritage assets (whether considered individually or together) provide clear reasons for refusing the proposal. The presumption set out in paragraph 11 of the Framework does not therefore apply.

The development plan

22. For the reasons given above, I consider that the proposal would be in conflict with the development plan in relation to Green Belt, character and appearance and heritage assets. I conclude that the proposal would be in conflict with the development plan as a whole. I have not identified any considerations which indicate that the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

David Prentis

Inspector