



Appeal Decision

Site visit made on 19 October 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/K2230/W/20/3246765

Barn north of Whitehouse Farm, School Lane, Higham, Rochester, Kent ME3 7JH

- 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 and Mrs Neil and Serene Harrigan against the decision of Gravesham Borough Council.
 - The application Ref 20190702, dated 3 July 2019, was refused by notice dated 3 September 2019.
 - The development proposed is described as erection of a single dwellinghouse, associated landscaping, post-and-rail boundary fencing and ecological enhancements.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Neil and Serene Harrigan against Gravesham 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 revised National Planning Policy Framework and any relevant development plan policies,
 - The effect of the proposal on the Higham Arable Farmlands Landscape Character Area; 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

Whether inappropriate development

4. The site lies within the Green Belt. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and that the construction of new buildings should be regarded

as inappropriate. The Framework lists certain exceptions where new buildings would not be inappropriate. These include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

5. The barn was most recently in agricultural use. Its replacement with a residential dwellinghouse would be a change of use of the site, even if the replacement building were not materially larger than the barn. Furthermore, as the site was most recently in agricultural use and is occupied by an agricultural building, it is not previously developed land as defined in the Framework. The appeal proposal would consequently not meet either of the identified exceptions.
6. The proposal would therefore be inappropriate development in the Green Belt. It would conflict with the requirements of the Framework and Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (the CS) which, amongst other things, states that development will be supported where it is compatible with national policies for protecting the Green Belt.

Higham Arable Farmlands

7. The site lies within the Higham Arable Farmlands Landscape Character Area (the LCA). The Gravesham Landscape Character Assessment 2009 (the Assessment) identifies the landform within the LCA as very gently undulating, with extensive views across open arable farmland and a regular pattern of medium to large fields throughout the area. Within the LCA, the Assessment recommends resisting proposals that introduce obtrusive elements within visually sensitive areas of the open landscape.
8. The barn sits at the top of a rise and is visible on the horizon from Lower Rochester Road, while the neighbouring houses and other buildings are screened by the surrounding trees. There are public rights of way passing the site and crossing the field between the site and Lower Rochester Road. Within the immediate vicinity of the appeal site the local character is of open fields with few buildings visible in the landscape.
9. The development proposed would replicate the general building envelope and siting of the existing barn. However, it would be finished in cedar cladding with a zinc roof, large areas of glazing and an overhanging canopy including two balconies that would be significantly larger than the existing canopy.
10. The existing barn is an agricultural building in a rural setting and as such is not a harmful presence in the landscape. The proposed house would have a distinctly different appearance, appearing as a purpose-built dwellinghouse of contemporary design on the edge of farmland. The existing houses immediately neighbouring the appeal site are arranged in a linear fashion along the opposite side of the road, with the nearest neighbouring properties being the converted oast house. The proposed house would be viewed as a separate building without any relationship to the surrounding buildings, in particular from the rights of way from which the proposed house would be a prominent and obtrusive feature in the landscape.

11. Seen in this context the proposed house would be an incongruous feature in a prominent location in this rural landscape, not well related to the neighbouring houses nor appearing as a converted barn as the previously approved development would. It would be harmful to the character of the LCA and contrary to Policy CS12 of the CS, which states that the overall landscape character and valued landscapes will be conserved, restored and enhanced.

Other Considerations

12. The Council cannot demonstrate a five year supply of housing land. However, the appeal proposal would be inappropriate development in the Green Belt. The presumption in favour of sustainable development does not therefore apply in this instance.
13. Planning permission was granted in June 2017 for conversion of the barn to a dwelling under the provisions of Class Q of Part 3 of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015. The conditions of permissions granted under Class Q require the permitted development to be completed within three years of the prior approval date. The approved works have not been completed. The appellants have applied to extend the date for completion of the approved works until 1 May 2021, but the decision on that application is not before me. Nevertheless, the appellants have expressed their intent to pursue the conversion of the barn under Permitted Development if this appeal is not successful. This would require a further application to the Council, but I see no reason to doubt that the appellants would pursue this route. There is no suggestion that permission for residential conversion as previously approved of the barn would not be granted, if a new application is made to the Council. This fallback position is therefore a material consideration in the determination of this appeal.
14. There are similarities in scale between the approved conversion and proposed new dwelling. The buildings would be of much the same height and footprint, and they would be in the same place on the site. However, there are also significant differences in the external materials and profile of the building, as well as the introduction of balconies, and the proposed building would appear out of keeping in its setting. The two proposals therefore differ in significant aspects, limiting the weight that can be accorded to the fallback position.
15. The appellants have identified considerations that they contend weigh in favour of the appeal proposal. The creation of a new house would help to address the shortfall in housing land supply. The development proposed would deliver landscape improvements including measures to provide new habitats for local wildlife. It would incorporate sustainability measures in its design.
16. The previously approved conversion is a material consideration in the determination of this appeal, although the differences between the proposals limits the weight accorded to it. There would be benefits arising from the appeal proposal, but due to the scale of development these would be limited. These considerations would not clearly outweigh the harm by inappropriateness and the harm to the character of the LCA that would result from the development proposed. Accordingly, very special circumstances do not exist in this instance.
17. Notwithstanding the above, the appeal site is within 6 kilometres of the North Kent Marshes Special Protection Area and Ramsar Site. The appellants have

committed to providing a financial contribution towards the funding of appropriate mitigation measures against the effects of the development proposed. If I had been minded to allow the appeal it would have been necessary to carry out an appropriate assessment to determine whether this would be sufficient. However, as I am dismissing the appeal on other grounds, I do not need to consider the matter further.

Conclusion

18. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR