

Appeal Decision

Site visit made on 5 February 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Reference: APP/K2230/D/20/3263924

Land at 2 Castle Lane, Gravesend DA12 4TQ

- 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 I Sutherland against the decision of Gravesend Borough Council.
 - The application (reference 20200761, dated 28 July 2020) was refused by notice dated 23 September 2020.
 - The development proposed is described in the application form as “the replacement of existing outbuildings with new garage/garden building”.
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Decision

1. The appeal is allowed and planning permission is granted for “the replacement of existing outbuildings with new garage/garden building”, at 2 Castle Lane, Gravesend DA12 4TQ, in accordance with the terms of the application (reference 20200761, dated 28 July 2020), subject to the condition that the development hereby permitted shall have been carried out in accordance with the following approved drawings:
 - drawing number 19.009-01 (Location and Block Plan);
 - drawing number 19.009-09 (Existing details, Plan and Elevations);
 - drawing number 19.009-10 (Proposed details, Plan and Elevations).

Procedural matter

2. In the application form, the application is described as a “retrospective application” and the outbuilding has already been constructed. The application was one to which Section 73A of the Town and Country Planning Act 1990 applies, therefore (being an application for development that has already been carried out).

Main issues

3. The first main issue to be determined in this appeal is whether the proposal is “inappropriate development” in terms of Green Belt policies. If so, it is necessary to consider whether the harm by reason of inappropriateness together with any other harm that might be caused (including the effect of the development on the openness of the Green Belt and the purposes of including land within it) would be clearly outweighed by other considerations.

4. If the proposed development is to be categorised as “not inappropriate”, it is nonetheless necessary, in this case, to consider the impact of the proposed development on the surroundings.

Reasons

5. The appeal site lies at the eastern edge of the built-up area of Gravesend, where Castle Lane links the A226 Gravesend Road and Lower Higham Road. On the western side of Castle Lane there is an extensive residential area along Filborough Way but there are only a few houses sited along the eastern frontage of the lane, with farmland beyond. The landscape is not especially charming but Castle Lane itself marks the edge of the Green Belt, between predominantly open land to the east and residential suburbs to the west.
6. Number 2 Castle Lane is one of a small group of properties located on the eastern frontage of Castle Lane, at its southern end, close to the junction with Gravesend Road. With number 4, it forms part of a semi-detached pair of houses, designed in a traditional style, with white painted walls under tiled, pitched roofs. The property has a rather small garden, as do its immediate neighbours, but it benefits from the open nature of the adjoining farmland to the east.
7. The house at number 2 Castle Lane is at a lower level than the back garden and a new outbuilding has been constructed on a raised footprint, where the ground slopes up adjacent to the rear (eastern) boundary of the plot. The submitted site plan shows that, previously, there were two smaller outbuildings in different positions within the curtilage but the new building extends across the rear part of the garden. This planning appeal seeks planning permission for the outbuilding that has been erected.
8. The appeal site lies within the Green Belt, where development is strictly controlled. Policy CS02 of the ‘Gravesham Local Plan Core Strategy’ (which was adopted in September 2014) is a broad planning policy that is intended to prevent development in the Green Belt except in certain limited cases, by reference to national planning policies. The ‘Gravesham Local Plan’ was adopted in 1994 and Policy C13 contains more specific criteria for extensions to dwellings in the countryside and, among other things, seeks to prevent “undue visual intrusion into the open countryside”. Other policies in the Development Plan are intended to promote good design and to protect the qualities of the countryside, more generally.
9. The ‘National Planning Policy Framework’, published in 2019, is more up to date than the formally adopted ‘Local Plan’ and it also emphasises the strict controls on development that apply in Green Belts. It is made clear that the construction of new buildings is “inappropriate in the Green Belt” and not normally acceptable there. Paragraph 145 identifies some limited exceptions to this, however, including modest extensions to existing dwellings and replacement buildings in some cases.
10. Of course, the ‘National Planning Policy Framework’ (which was revised in February 2019) also emphasises the importance of good design in the broadest sense and points out the importance of protecting and enhancing the countryside.

11. The new outbuilding has been constructed with a flat roof on an irregular footprint, adapted to the configuration of the site. It is faced with horizontal timber boarding that gives the building a modern appearance. At the time of the site inspection, the building contained two classic cars and a moped, together with some associated material.
12. The building is not attached to the house but it occupies a large part of the back garden of the house and is sited close to a rear ground floor window. Moreover, the higher level of the rear part of the garden increases the impact of the outbuilding on the outlook from this window. Nevertheless, the householders would have the benefit of a reasonable retained garden, looking out over an open field at the rear, while the outbuilding itself is evidently being put to use to serve their particular enthusiasms.
13. Within the Green Belt, permitted development rights apply in relation to some types of development within a domestic curtilage and similar outbuildings could normally be permitted, although in this case, the Council considered that a certificate of lawfulness could not be issued, due to the inclusion of engineering works and the height of the building (which is given as 2.8 metres).
14. One of the outbuildings that are shown to have been demolished stood at the front of the site and has made way for a new (if somewhat awkward) access to the new building. The new building is larger than those it replaces but it is more discreetly located, therefore, in relation to Castle Lane. In the light of all this, and bearing in mind that the finished building infringes the restrictions imposed by the permitted development regulations by only a small amount, I have concluded that the outbuilding is to be categorised as a “not inappropriate” development in the Green Belt.
15. Nevertheless, it is necessary to consider the real impact of the building on its surroundings.
16. The outbuilding has only a limited effect on the streetscene in Castle Lane and, although it is evidently visible from the field to the east, it does not have a significant impact on wider views, being located within the confines of a group of buildings on the east side of the Lane.
17. The outbuilding does reduce the gap between buildings on the appeal site and those on the adjoining plot at ‘Ponderosa’, although it is located at the back of the site, preserving the space between the two houses as perceived from the highway. It is sited to the north of the neighbour’s garden and I accept the argument that it does not have an unacceptable impact on the neighbour’s residential amenities.
18. In short, I have concluded that the outbuilding does not cause undue harm to the character or appearance of the surroundings generally, nor does it have an unacceptable impact on near neighbours. Hence, I have concluded that the project would not be in conflict with national planning policies or the Development Plan and that it is acceptable in planning terms. I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

19. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal).
20. Although the development has already been carried out, I have formed the opinion that a condition is necessary, to define the planning permission by reference to the approved drawings. It has also been submitted that an additional condition should be imposed, to prevent the use of the building for commercial purposes. Such changes of use are subject to normal planning control, however, and there is no convincing evidence that the outbuilding would be likely to be used commercially. In this case, therefore, such a condition is unnecessary. Similarly, there is no convincing justification for the removal of permitted development rights, bearing in mind that they are normally of general application.

Roger C Shrimplin

INSPECTOR