



Appeal Decision

Site visit made on 23 March 2021

By Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/K2230/W/20/3260585

Meopham Court, Wrotham Road, Meopham, Gravesend DA13 0AA

- 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 S Baker against the decision of Gravesham Borough Council.
 - The application 20200491, dated 27 May 2020, was refused by notice dated 23 July 2020.
 - The development proposed is the erection of a new single family dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt, and if so its effect on openness
 - Whether the location of the development is suitable having regard to local spatial policy and accessibility
 - Whether the development would preserve or enhance the character or appearance of Meopham The Street Conservation Area
 - The effect of the development on the character and appearance of the landscape
 - If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development in the Green Belt.

Reasons

Inappropriate development

3. The site lies within the Green Belt, as defined on the Gravesham Local Plan Core Strategy Policies Map, in which the construction of new buildings is regarded as inappropriate unless they fall within the exceptions set out in paragraph 145 of the National Planning Policy Framework (the 'Framework').
4. The appellant considers the development falls within the exception set out under paragraph 145(g) of the Framework, which refers to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would

not have a greater impact on the openness of the Green Belt than the existing development.

5. Previously developed land is defined in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes land that is or was last occupied by agricultural or forestry buildings; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
6. There is evidence to show that the site of the proposed dwelling was occupied by greenhouse structures in the past. The greenhouses were consistent with the original use of the land as a walled garden growing produce for Meopham Court and more latterly as a vineyard. Both of these uses are horticultural in nature and buildings associated with horticulture, which is a form of agriculture, are excluded from the definition of previously developed land. The greenhouses were removed around 2011 and the land has since been grassed over, such that there is little evidence of their presence on the site now. Their remains have blended into the landscape and for that reason also are excluded from the definition of previously developed land. The brick wall that encloses the land is substantial in size but does not in itself lead to the enclosed land being previously developed as it is in horticultural use as a vineyard.
7. The wall would screen views of the proposed dwelling from outside the site. This would mean that the dwelling and associated small storage and plant buildings would have little visual impact on the openness of the Green Belt. However, openness is more than just a visual quality; it also relates to the use and character of land, in the sense of it being undeveloped and/or used for purposes that are not inappropriate in the Green Belt. In this case, the use of the site for residential purposes, even though it would be well contained within the walled garden, would erode the sense of the site being undeveloped. This, together with the changes outside the walled garden including the turning circle, driveway and parking area, would harm the openness of the Green Belt. I note the appellant has made changes from a previous scheme including that the drive would be a reinforced grass finish rather than gravel and is willing to omit external lighting. However, the use, including parked vehicles and domestic activities that go with it, would still be apparent.
8. I conclude that the site is not previously developed land, and that the use would have an adverse effect on the openness of the Green Belt, notwithstanding the limited visual impact because of the enclosure provided by the walled garden. The proposed dwelling and associated works would therefore not benefit from the exception set out in paragraph 145(g) of the Framework and would be inappropriate development in the Green Belt. The development would therefore conflict with policy CS02 of the Gravesham Local Plan Core Strategy, which only supports development in rural areas where it is compatible with national policies protecting the Green Belt.

Location and accessibility

9. The Council's spatial strategy, as set out in policy CS02 of the Gravesham Local Plan Core Strategy, is to prioritise development in existing urban areas and identified opportunity areas. In rural areas, development is supported within

defined rural settlements. Development outside those settlements will only be supported where it is compatible with national policies for protecting the Green Belt. Consistent with this approach, paragraph 79 of the Framework advises that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply, including that the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

10. The site lies outside the boundary of any defined settlement, the nearest of which are Meopham Green to the south and Hook Green, Meopham to the north. It is situated in a relatively solitary position, separated by trees and garden land from the nearest buildings at Meopham Court. Access would be gained across an otherwise open and undeveloped area of grassland. I therefore consider the site to be isolated.
11. The appellant argues that the proposed development would ensure the repair and continued upkeep of the garden wall. While that may be the case, I am not persuaded that enabling development is required to ensure retention of the wall or that a residential development is the only or optimal viable use that would achieve that aim.
12. As well as protecting the countryside, focusing development in existing settlements ensures accessibility to services and facilities while at the same time reducing the need to travel by motor car. In this case, the local service centre at Hook Green would be within half a kilometre from the site, and a bus service along the A227 Wrotham Road would enable access to services further afield. There are pedestrian footways on either side of Wrotham Road and although the road is unlit visibility along it from the entrance to the site towards Hook Green is good. I consider that so far as accessibility is concerned, future occupants would be able to access local services and facilities on foot, by bicycle or bus without the need to use a motor car.
13. Notwithstanding the accessibility of the site, I conclude that the development would result in an isolated home in the countryside, and that the location would conflict with the spatial strategy of the Council, which seeks to prioritise development within built up areas and defined settlements. The proposal would therefore conflict with policies CS01 and CS02 of the Gravesham Local Plan Core Strategy.

Conservation Area

14. The site lies within the Meopham The Street Conservation Area, which was extended in 2017 to include the walled garden and surrounding land. The significance of the Conservation Area lies in it being the core of the original settlement of Meopham centred around St John the Baptist's Church and Meopham Court. The area is largely unchanged from this historic core, more modern development being confined to the outlying satellites of Hook Green and Meopham Green. The undeveloped nature of its surroundings forms an integral part of the character and appearance of the Conservation Area. The walled garden and open area to its north are also significant as part of the former extensive grounds to Meopham Court.
15. The development has been designed to have little visual impact on the Conservation Area. The proposed dwelling would be contained within the walled garden and being single storey would not be visible from outside. The dwelling

itself has been designed with care and would present a simple yet elegant form. However, the associated works of driveway, turning head, parking area and the domestic paraphernalia associated with them such as parked cars and buggies, and refuse and recycling bins would all serve to erode the undeveloped rural character and appearance of the open land to the north of the walled garden.

16. I conclude that for this reason the development would cause harm, albeit less than substantial, to the Meopham The Street Conservation Area and would thereby fail to preserve or enhance its character and appearance. The development would as a result conflict with policies CS19 and CS20 of the Gravesham Local Plan Core Strategy and policy TC3 of the Gravesham Local Plan First Review, which accord a high priority towards the preservation, protection and enhancement of the historic environment.
17. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case the appellant has argued that the development would ensure the repair and continued upkeep of the garden wall. The wall is not listed as being of historic or architectural importance, and while of local historic interest given its former association with Meopham Court, that limits its heritage significance in statutory terms. As previously stated, I am not persuaded that enabling development is required to ensure retention of the wall or that a residential development is the only or optimal viable use that would achieve that aim.
18. Consequently, I do not consider that the benefit arising from the repair and upkeep of the garden wall is sufficient to outweigh the harm that would be caused to the Conservation Area. The development would therefore fail the statutory duty to preserve or enhance the character or appearance of the Meopham The Street Conservation Area under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Landscape

19. The site lies within the countryside. It does not fall within any national landscape designation but has been rated in the Gravesham Landscape Character Assessment as being in generally good condition with moderate sensitivity to change.
20. I do not consider that the proposed dwelling would have any appreciable impact on the wider landscape as it would be visually contained within the walled garden. However, the associated works to access the site, including the presence of parked vehicles, would suburbanise the land to the north of the walled garden and would have the same detrimental impact on the landscape as I have found they would to the character and appearance of the Conservation Area. While the harm to the landscape could be mitigated to a limited extent by additional planting, domestic features are still likely to be visible and would have a consequent impact.
21. I therefore conclude that the development would have a harmful impact on the quality of the landscape, in conflict with policy CS12 of the Gravesham Local Plan Core Strategy, which seeks to conserve, restore and enhance landscape character.

Other Considerations

22. The development would result in an additional dwelling. Given the demand for housing in the area and the Government's objective of significantly boosting the supply of homes, this represents a modest benefit of the scheme.
23. The dwelling has also been designed to be a zero carbon, low energy building. These design features go above and beyond current building regulation requirements and are a positive response to climate change. I therefore assign modest benefit to this aspect of the scheme.
24. Although I have found that the repair and upkeep of the garden wall does not outweigh the harm caused to the Conservation Area, I recognise it as a potential benefit of the scheme, to be weighed in the balance.
25. A new public footpath is proposed around the perimeter of the field to the north and east of the walled garden and along the shared drive to Wrotham Road. The route lies mostly outside the application site, and there is no mechanism in place to secure it as part of the development. I have limited information on whether such a footpath would be a public benefit, but irrespective of that the lack of certainty in such a proposal being implemented as part of the scheme means that I can give it little weight.
26. The appellant has not sought to argue that the quality of the proposal is such as to warrant it being considered under paragraph 79(e) of the Framework as a design of exceptional quality. Although the design of the dwelling is well thought out, I agree it would not benefit from the exception to the presumption against isolated homes in the countryside. Other than the zero carbon aspects of the building, I do not consider the design adds any further benefit to the scheme.
27. The appellant has suggested that there would be a benefit arising from the removal of existing storage buildings on the site. However, these are well screened inside the walled garden and used to support the horticultural use. I see no advantage in visual or practical terms to their removal. The development proposes to replace them with other storage buildings so there would be no net benefit in any case.
28. The appellant has drawn attention to case law and a range of appeal decisions relating to openness, previously developed land, development in the Green Belt, unmet housing needs including housing for the elderly and the lack of a 5 year housing land supply, and visual containment. While I acknowledge the interpretation of Green Belt policy as set out in case law, and have followed it in my reasoning, I find the examples of other proposals quoted of limited relevance given that they relate to different forms of development, in different locations and under differing circumstances. I have based my assessment on the circumstances of this case.

Very special circumstances

29. Paragraphs 143-144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

30. The harm caused by the inappropriate nature of the development attracts substantial weight. In addition, harm would also be caused to the openness of the Green Belt through the residential use of the site and the associated works and activities that go with it. This would conflict with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment. I acknowledge that harm to the openness of the Green Belt in terms of its visual qualities would be limited because the dwelling would be enclosed by the garden wall, but openness would nevertheless be harmed for the reasons given earlier.
31. The failure to preserve or enhance the character or appearance of the Meopham The Street Conservation Area attracts great weight. This is irrespective of the fact that the development would cause less than substantial harm to the significance of the Conservation Area.
32. The development would also cause harm, albeit in a more limited sense, because of its isolated location in countryside outside any settlement, and because of its impact on the character and appearance of the landscape.
33. Benefits of the proposal would be the provision of an additional dwelling to the local housing stock, the zero carbon design of the building, and the potential repair and future upkeep of the garden wall.
34. Bringing these matters together I find that the other considerations of the scheme do not clearly outweigh the substantial harm caused to the Green Belt, the great weight accorded to the harm to the Conservation Area, and the harm caused by its isolated location in the countryside and its effect on the landscape. Consequently, the very special circumstances necessary to justify the development do not exist.
35. The Council acknowledges that it cannot demonstrate a 5 year housing land supply. In such a situation, paragraph 11 of the Framework advises that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The identified conflict with the Green Belt and also the Meopham The Street Conservation Area provide such clear reasons for refusal¹. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the development to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development would conflict with the development plan and national planning policy when taken as a whole and the material considerations noted above are of insufficient weight to indicate otherwise.
37. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

¹ Footnote 6 of the Framework