



## 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**

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**Appeal Ref: APP/T2215/W/20/3261230**

**1 Court Hill Cottages, Hook Green Road, Southfleet DA13 9NG**

- 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 Michael Montila against the decision of Dartford Borough Council.
  - The application DA/20/00210/COU, dated 20 February 2020, was refused by notice dated 15 April 2020.
  - The development proposed is change of use of land to include in residential curtilage of 1 Court Hill Cottages.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are:
  - Whether the change of use of land to residential curtilage is inappropriate development in the Green Belt
  - The effect on openness and on the character and appearance of the countryside
  - 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 inappropriate development in the Green Belt.

### Reasons

#### *Inappropriate development*

3. The site lies within the Green Belt, as defined on the Dartford Local Plan Policies Map.
4. Material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land from agriculture to residential curtilage as proposed in this appeal is not included in the examples mentioned in paragraph 146 of the National Planning Policy Framework (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), and would conflict with one of the purposes of including land in the Green Belt, which is to assist in safeguarding the countryside from encroachment.

5. The proposed change of use of land to additional residential curtilage would therefore be inappropriate development in the Green Belt.

*Openness and countryside*

6. The land in question is an area of rough ground lying on the margin of an arable field adjacent to the garden of 1 Court Hill Cottages. It appears to have been recently enclosed with a post and rail fence. The fence and a holly hedge separate it from an adjacent public footpath. The land is visible in views from the footpath and across the surrounding fields.
7. Change of use to residential curtilage would domesticate the site changing its character and appearance from one of open agricultural land to enclosed domestic garden land. This would erode the rural character of the area to its detriment and reduce the openness of the site, in the sense of it changing from being undeveloped to being developed.
8. I conclude that the change of use to residential curtilage would harm the openness of the land and would erode the rural character and appearance of the countryside. As a result, it would conflict with policy CS13 of the Dartford Core Strategy and policy DP22 of the Dartford Development Policies Plan which resist inappropriate development and the impact on visual amenity or character. These policies are consistent with national planning policy on protecting Green Belt land in section 13 of the Framework.

*Other considerations*

9. The appellant has put forward four other considerations to be taken into account.
10. The first of these is that the open aspect of the appeal proposal would ensure the openness of the land would endure. For the reason set out above, I do not consider that the openness of the land would endure. The site would have to be physically enclosed to make it useable as residential curtilage, and its character would change from being undeveloped farmland to developed domestic garden land.
11. The second consideration is that the siting of the land already sharply contrasts with the open aspects of the surrounding land. The land is sited on the margin of the arable field but that does not, in my view, sharply contrast with the open aspect of the surrounding land. It is common, indeed normal, for arable fields to have unploughed margins and these form part of the character of the countryside.
12. The third and fourth considerations are that the appellant is prepared to accept a condition requiring submission of details of a softer boundary treatment such as indigenous hedging, and a condition removing permitted development rights for ancillary domestic structures. While these would mitigate to some extent the visual change and the potential for future structures, it would still be the case that lawns, flower beds and normal domestic paraphernalia such as outdoor seating and play equipment could be introduced on to the land. These form part and parcel of any domestic garden use and are not amenable to conditional control. The imposition of conditions would not therefore overcome the harm I have identified to the openness of the land or the character and appearance of the countryside.

*Very special circumstances*

13. 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.
14. The harm caused by the inappropriate nature of the development attracts substantial weight. In addition, harm would be caused to the openness of the Green Belt, and to the rural character and appearance of the countryside.
15. I have taken into account the other considerations put forward by the appellant but concluded that these arguments, taken either individually or collectively, do not clearly outweigh the harm identified to the Green Belt, its openness and the character and appearance of the countryside. It follows that the appeal must fail.

**Conclusion**

16. The proposal conflicts with the development plan when taken as a whole, and there are no material considerations that indicate otherwise. I conclude that the appeal should be dismissed.

*Guy Davies*

INSPECTOR