



Appeal Decision

Site visit made on 20 April 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2021

Appeal Ref: APP/K2230/W/20/3249880

Land at 'Broadview', Round Street, Sole Street, Cobham, Kent DA13 9AY

- 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 & Mrs Amakli against the decision of Gravesham Borough Council.
 - The application Ref 20191113, dated 16 October 2019, was refused by notice dated 10 February 2020.
 - The development proposed is demolition of existing outbuildings and erection of a chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's Refusal Reason 3 (RR3) related to a potential impact on the Thames Estuary and Marshes Special Protection Area (SPA). Subsequently, the appellants have accepted the need for a contribution to the relevant mitigation scheme. On the evidence before me therefore, RR3 is no longer in dispute. In the light of my conclusions on the other issues in this appeal, there is no need for me to consider this matter further.

Main issues

3. From the submissions before me, the main issues in the appeal are:
 - whether the proposal would constitute 'inappropriate development', in terms of the relevant policies relating to development in Green Belts;
 - the effects on the area's character and appearance;
 - whether any other material considerations weigh in favour of the development, and to what extent;
 - whether any harm to the Green Belt, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify the development.

Reasons for decision

'Inappropriateness' in terms of Green Belt policies

4. The appeal site is within the Green Belt, as defined on the Policies Map of the Gravesham Core Strategy (the GCS), adopted in September 2014. GCS Policy CS02 states that development in the rural areas will be supported where it is compatible with relevant national policies, including those on Green Belts.

5. In the National Planning Policy Framework (the NPPF), paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 145 makes it clear that new buildings will normally be inappropriate, unless the development falls within one of the exceptions specified in that paragraph. These exceptions include, at sub-paragraph 145(g), the redevelopment of previously developed land, excluding temporary buildings, where the development would not have a greater impact on the Green Belt's openness.
6. In the present case, the appeal site forms part of the residential curtilage of the existing property 'Broadview', and lies outside any built-up area. As such, I am satisfied that it falls within the definition of previously developed land.
7. The proposed new chalet bungalow would replace two storage sheds, a garage, an older, agricultural-style outbuilding, and a static caravan. On the appellants' measurements, the new building would have a footprint about 12% smaller than the combined floorspace of the existing structures, thus resulting in a lower overall site coverage. But in my view that comparison, on its own, does not in any way reflect the true extent or nature of the differences between the existing and proposed development, in terms of their respective effects on openness.
8. Firstly, the existing structures which would be removed are all single-story, and in most cases with roofs that are either flat or low-eaved and low-pitched. The proposed new dwelling would have a large, gabled roof and an elongated box-shaped side dormer, containing the upper floor, which would rise to around 5.4m high at the ridge. This additional height and volume would at least partly offset the difference in footprint, if not more. Whilst the evidence before me does not enable me to make a precisely quantified comparison in terms of built volume, to my mind the additional height and volume together would make the new building significantly more dominant and assertive than the existing ones that it would replace. These characteristics would have an adverse effect on the perceived openness of the site, and of the Green Belt.
9. Secondly, the way that the existing buildings in question are positioned on the site means that some are not publicly visible, or only partly visible. The caravan, although open to the side, is largely hidden from the front by a 2m high fence. One of the sheds is partly concealed behind the garage, and the other is fully out of sight behind both of these. The old agricultural building is set well back, and is only glimpsed between the garage and the house. In contrast, the new dwelling now proposed would be set towards the front of the site, in full view from the street. Irrespective of any volumetric calculation, the whole of the new building would be clearly more visible and more prominent, compared to the existing structures. Again, this greater prominence would have the effect of detracting from the site's openness.
10. And last but not least, the structures that would be removed are, for the most part, essentially temporary in nature, being made from materials with a relatively short lifespan. The wooden garage building is showing signs of age-related disrepair, and the caravan is wholly derelict. The agricultural building, with its tiled roof, has evidently withstood the passage of time for rather longer than any of the others, but that building too is now clearly in the latter stages of its useful life. I appreciate that in due course these temporary structures might be replaced by newer ones of a similar kind, and indeed that process

could possibly be repeated further. But this is no more than conjecture; none of the buildings that are proposed to be removed in the appeal proposal are ones that would otherwise be capable of remaining on the site in the long term. Whereas, the new dwelling now proposed would clearly be designed to be permanent, and its impact on the Green Belt would be equally so. To my mind, this quality of permanency means that the impact on the Green Belt's openness would be substantially greater than the existing development.

11. I accept that part of the site would become free from buildings, and this would enhance the openness of that area. But the test implicit in the NPPF sub-paragraph 145(g) is concerned with the openness of the Green Belt as a whole, not just that of the site, or a particular part of it. For the reasons already explained, I consider that the effect of the development now proposed would be to diminish the Green Belt's openness.
12. I therefore conclude that the proposed development is not one which would fall within the exceptions listed at NPPF paragraph 145. The scheme would therefore constitute inappropriate development. It follows that the appeal proposal is also in conflict with Policy CS02 of the GCS, in that it proposes development which is not compatible with national Green Belt policy.

Effects on the area's character and appearance

13. The proposed new dwelling would be seen in public views from Round Street, from immediately in front of the site, and also obliquely from the south-east, where the side elevation would be largely exposed. The latter views would be difficult to soften through new planting, because of the large number of proposed windows close to the site boundary. Whilst the landscape context would include the handful of existing dwellings along the road, these are very sporadic in nature, and are interspersed by large open fields. The context therefore is primarily open, rural and agricultural. In this setting, the addition of a new dwelling at the appeal site would be alien and incongruous.
14. In addition, given the generous spacing of the other existing properties along the road, the siting of the present proposal directly adjacent to the host property Broadview would result in an uncharacteristically cramped appearance. This would add to the visual harm.
15. The proposed design, whilst necessarily constrained by the size and shape of the site, seems to me to do nothing to lessen this harm. The building form, whilst commendably simple, unfortunately also lacks any visual interest. Equally, the opportunity to make up for this through more imaginative detailing has not been taken. The front elevation would be especially poorly composed, with the windows and porch pushed to the edges of an otherwise blank façade. The south elevation, with its long dormer and over-regimented fenestration, would appear more suited to a suburban location. Notwithstanding the small ocular window, nothing about the design connects the proposed new dwelling in any meaningful way with its rural context. In all these respects, it seems to me that the development would be unable to avoid appearing as a proverbial 'sore thumb' in this setting.
16. For these reasons, I conclude that the proposed development would fail to conserve the landscape character of the surrounding countryside, contrary to the relevant provisions of GCS Policy CS12. It would also fail to achieve the high standards of design sought by Policy CS19. Overall therefore, I consider

that the scheme would have a highly damaging impact on the area's character and appearance.

Other considerations in favour of the appeal

17. As at the date when permission was refused, it was agreed that the supply of housing land in Gravesham was less than the 5-years' worth required by the NPPF. There is nothing before me to suggest that the position has changed since then. The NPPF aims to significantly boost the supply of housing, and the lack of a 5-year supply in the Borough is therefore an important consideration. The appeal proposal, although only for one unit, could make a contribution to increasing the supply of homes in the area. In the light of the apparent shortfall in the 5-year supply, moderate weight attaches to the potential benefit of providing an additional dwelling.
18. The development would bring economic benefits for the area, in terms of construction jobs, household spending, and Council Tax receipts. There would also be social benefits in terms of supporting the vitality of local rural communities and facilities. These benefits are not disputed, and I agree that they should carry some weight, albeit limited.

Whether the harm would be clearly outweighed

19. As set out above, I have found that the proposed development would cause harm to the Green Belt by reason of inappropriateness, including a loss of openness, and harm to the character and appearance of the area as a whole. In accordance with NPPF paragraph 144, the harm to the Green Belt carries substantial weight.
20. The potential benefits to the housing supply, and the economic and social benefits, all carry weight in favour. However, even when these are considered all together, they do not clearly outweigh the harm that I have identified. The very special circumstances required to justify development in the Green Belt have therefore not been established in this case.

Overall planning balance and conclusion

21. As a result of the harm to the Green Belt and to the area's character and appearance, the proposed development would conflict with GCS Policies CS2, CS12 and CS19, and thus with the development plan as a whole.
22. Other than with regard to housing supply, these GCS policies seem to me to be generally consistent with national policy, and I see no reason to accord them anything less than full weight. In this case, despite the lack of a 5-year supply, the conflict with Green Belt policies means that the 'tilted balance' in NPPF paragraph 11(d)(ii) does not apply.
23. The housing, economic and social benefits add some weight in favour of the appeal but, for the reasons already discussed, these do not outweigh the conflict with the development plan. Having taken account of all the other matters raised, nothing changes this conclusion. The appeal is therefore dismissed.

J Felgate

INSPECTOR