



Appeal Decision

Site Visit made on 20 April 2021

by G Pannell Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Appeal Ref: APP/K2230/W/20/3261674

Gad's Hill School, Gads Hill Place, Gravesend Road, Higham, ROCHESTER, ME3 7PA

- 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 Gads Hill House School against the decision of Gravesham Borough Council.
 - The application Ref 20200385, dated 21 April 2020, was refused by notice dated 18 September 2020.
 - The development proposed is Retention of the Hewlett Pavilion on a permanent basis.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the development on the setting of Gads Hill Place, a Grade I Listed Building;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

3. I have not been directed to any policies within the Gravesham Local Plan Core Strategy 2014 (CS) relating to the Green Belt and therefore I have had regard to the requirements of the National Planning Policy Framework (the Framework).
4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be

approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145.

5. The building, the Hewlett Pavilion, has been in situ since 2003, having the benefit of temporary permissions over a number of years. The most recent of which expired on 21 July 2019 and it was required to have been removed following this period and the land reinstated to its former use as amenity/recreation land. As such the proposal before me could not represent either a replacement building or an extension or alteration to a building.
6. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

7. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
8. Although visually the pavilion is seen within the context of the existing buildings and would be screened from the road by landscaping, it is a substantial structure the presence of which extends the built form away from the existing group of buildings and is therefore seen as an incursion into previously open land. In addition, when considered spatially, the proposal would result in built form where previously no building existed. Thus, the appeal scheme would erode the openness of the Green Belt.
9. In this instance, due to the pavilion being located adjacent to a play area and tennis courts, and set at a lower level than the gardens directly to the front of Gads Hill Place, the negative impact on openness would be localised and limited.
10. However, in this respect even a limited adverse effect on openness would contribute to the overall harm to the Green Belt. For this reason, the development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries modest weight in this site-specific circumstance.

Setting of Gads Hill Place

11. Gads Hill Place is Grade I listed, built in 1779 and comprises a red brick building with slated mansard roof. It is a fine example of a middling sized country house from this period and this affords it architectural and aesthetic value and significance. Furthermore, there is also considerable associative and historic value and significance from the connection of Gads Hill Place with Charles Dickens. It was his home and some of his works were written from the study, which is still retained within the building.
12. The setting of the listed building has undoubtedly changed significantly since the time of Charles Dickens' occupation, when according to the evidence before me he wrote that the house had a 'noble prospect to the side and behind, looking down into the valley of the Medway.' The recent construction of a large modern primary school building and the infrastructure associated with the use

of the site as a school, including the provision of playgrounds, playing fields and tennis courts has significantly altered the overall character of the site and the grounds to the side, in particular, are dominated by the new school. As a result appreciation of the setting of the building is greatest from the frontage of the site, where the views of the junior school are mitigated by the presence of existing landscaping.

13. There is a weight of evidence provided from both the Council's own Conservation Officer, Dickens Country Protection Society and the views of Historic England that the proposal would harm the setting of the listed building. Historic England's concern, which is given without the benefit of a site visit, is that the Pavilion would be visible from the house and appeared to be in the line of view from the rear and side garden of the house.
14. There are limited views of the roof of the pavilion from the upper floor windows of Gads Hill Place, but these are experienced across the glazed roof of the orangery, which as a result of its scale and proximity draw your attention away from the pavilion. Views of the pavilion were also possible from the side entrance of the building, with the red roof covering being particularly visible. However, even if the pavilion were removed the view identified by Historic England, down into the valley of the Medway, would not be possible as a result of the existing landscaping around the side garden. This would probably not be evident from the aerial photographs referred to as forming part of Historic England's assessment and the siting of the pavilion is not related to the gardens immediately associated with the building.
15. Furthermore, as a result of the pavilions siting, which is at a lower level than the front garden of Gads Hill Place, views from the study and front elevation, are confined to the frontage of the site. Therefore, the experience from within the study, as a room of particular historical significance, is not changed as a result of the development.
16. However, in the absence of a heritage impact assessment to demonstrate otherwise, there is cumulative harm to the significance of the listed building in combination with the other development that has taken place or has been permitted within the grounds. This is because the existing buildings have cluttered the setting of the listed building and eroded the views referred to by Charles Dickens. Therefore, the appeal scheme would compound this, as it would result in another structure visible from the grounds of the listed building. The impact would be all the more due to the utilitarian appearance of the building and the bright red roof covering.
17. In conclusion, the building does not result in a demonstrable loss of appreciation of the house within its wider landscape context and the building is not unduly strident in views from the listed building. It does not directly harm the associative significance but nevertheless results in some modest cumulative harm. Thus, the architectural, historic and aesthetic value and significance of the listed building would be eroded, albeit modestly.
18. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be

given to the asset's conservation; the more important the asset, the greater the weight should be.

19. Therefore, I find the harm to the setting of the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. In this case, the retention of the pavilion would lead to the provision of additional classrooms, which would support the education of children attending the school. It also limits the strain on the fabric of the listed building as a result of its use as a school. However, the listed building remains in use as part of the school, as was evident at the time of my visit, with parts of the building remaining in use as classrooms. Furthermore, there is nothing in the evidence before me to demonstrate how the building is used currently and how this would change should the pavilion be removed. Therefore, these benefits would be modest and as such, there is no public benefit sufficient to outweigh the harm.
21. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage asset of the Grade I Listed Gads Hill Place. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment. It would be contrary to policies CS19 and CS20 of the CS which seek to ensure development takes into account the significance of heritage assets and give commensurate weight to their importance. It would also conflict with policy TC2 of the Gravesham Local Plan First Review 2014 which highlights the importance of maintaining the integrity of the original listed building.

Character and appearance

22. The site is located within the Shorne Woodland designated landscape character area, as set out within the Gravesham Landscape Character Assessment 2009 (GCA). This area is characterised by undulating topography with a strong sense of enclosure. The area has a moderate sensitivity to change, with a combination of landform and tree cover providing an enclosed character and subsequent low visibility within the character area.
23. The guidelines set out within the GCA aim to conserve areas in good condition and reinforce the distinctive features and elements of the landscape and this includes conserving traditional features and reinforcing the wooded character of the area.
24. Policy CS12 of the CS sets out that the overall landscape character and valued landscapes will be conserved, restored or enhanced. The siting of the building within established school grounds close to the existing junior school results in a development which is viewed within the context of the site, which is identifiably a school. Therefore, given the siting of the pavilion within the established school site, any wider views from the character area would be limited and would be viewed against the backdrop of the existing built development on the site.
25. Nor would the development have an adverse effect on the rural character of the wider area, taking into account its setting within the educational use of the site as a whole. The appeal site does not contribute to the distinctive features

identified within the GCA and the removal of the pavilion would not lead to any longer term reinforcement of the wooded character, as it would remain part of the wider school grounds.

26. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with Policy CS12 of the CS which seeks to conserve, restore or enhance the landscape character of areas identified within the GCA.

Other Matters

27. I have given consideration as to whether it would be appropriate to allow a further temporary consent to enable the retention of the building. Temporary permissions are appropriate where the planning circumstances will change in a particular way at the end of that period. However, given the lack of certainty around the timescales for the future development of the senior school I do not think this would be appropriate. Taking into account the length of time that the building has already been in place, the period of time between its siting and the completion of the junior school I am not persuaded that the need for the building would cease within a short time period, of for example 3 years, and therefore it would not be reasonable given the harm I have identified arising from the siting of the building.
28. I note that the appellant considers that there is a requirement to remove the building as part of other planning permissions granted for the redevelopment of the site and therefore this would mean that the building would ultimately be removed, notwithstanding any permission granted as a result of this appeal. However, I have not been provided with any evidence to support this position and therefore have given it limited weight.
29. I have also had regard to the considerable length of time that the building has existed on the site, for nearly two decades. However, as it was never intended throughout that time that the building would be permanent, the considerations which permitted those temporary consents would not have been the same as if the building had been intended to be permanent. The Planning Practice Guidance sets out when it may be appropriate to grant planning permission for a temporary period and states that there is no presumption that a temporary grant of planning permission will then be granted permanently.

Green Belt Balance and Conclusion

30. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. I have also found modest harm to the setting of Grade I listed Gads Hill Place and this should be given considerable importance and weight. The lack of harm I have identified to the character and appearance of the area is a neutral factor in my considerations.
31. The building was justified previously to provide temporary classroom accommodation, due to the lack of space and sufficient facilities within the listed building. The fabric of the building was under strain from the use of the building as a school and the associated health and safety implications to staff and pupils as a result of injury from falling parts of the structure. Therefore,

there were associated benefits arising from the easing of pressure on the listed building. It has been put to me that its loss would be catastrophic to the school, however no evidence has been provided to articulate this further. However, I have given this moderate weight, noting the importance paragraph 94a of the Framework places on the need to create, expand or alter schools.

32. Following the initial granting of a temporary planning permission for the structure, in 2003, an application was approved in 2007 for a new junior and senior school which would negate the need for the pavilion. The junior school was subsequently built and occupied in 2016 and therefore the planning permission for the senior school remains extant. However, the evidence before me indicates a considerable uncertainty over the implementation of the senior school and whether or not a new application will be required for a revised proposal. This lack of certainty about the future development of the site and the ongoing needs of the school weigh against allowing the proposal permanently.
33. It is clear that a longer-term plan and vision for the schools ongoing requirements for classroom capacity needs to be considered, noting the sensitivity of the site and the need to safeguard the long-term conservation of the fabric of the listed building. It has not been demonstrated in the evidence before me that this plan is in place.
34. I conclude these circumstances do not clearly outweigh the substantial weight I must give to the overall harm the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
35. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR