

Appeal Decision

Site visit made on 30 November 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/T2215/W/21/3276002

Land Rear of Barton Road, Sutton At Hone DA4 9EA

- 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 David Jackson against the decision of Dartford Borough Council.
 - The application Ref DA/20/00706/COU, dated 18 June 2020, was refused by notice dated 1 December 2020.
 - The development proposed is the conversion and extension of existing stable block into detached 3-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The suitability of the site for housing, in relation to accessibility;
 - The effect of the proposed development on the character and appearance of the surrounding area; and

- Whether the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it is inappropriate development

5. The appeal site, containing a single storey stable block along with access to Barton Road, is surrounded by fields currently used as paddocks and is located in a rural area within the Green Belt. The proposed development would extend the existing building, converting it into a 3-bedroom dwelling, with a garden, access from Barton Road and parking for two vehicles.
6. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposal includes the extension of the existing building and both parties agree that it would not be a disproportionate addition. Therefore, this element of the proposal would fall under this exception.
7. However, the proposed change of use of the building from a stable into a dwelling would not fall under this exception. Other exceptions in paragraph 149 and 150 of the Framework, relevant to the proposal, include limited infilling or the partial or complete redevelopment of previously developed land and the re-use of buildings provided that the buildings are of permanent and substantial construction. For the proposal to fall under these exceptions, it must not have a greater impact on the openness of the Green Belt than the existing development. Policy DP22 of the Dartford Development Policies Plan (2017) also includes these exceptions and is generally consistent with the Framework's approach.
8. The proposed development would create an extended building which, although modest in size, would be larger than the existing building. Although it would sit within the footprint of the current building, the proposal would nevertheless have some spatial impact on the openness of the Green Belt, in that it would be reduced, due to the increase in its volume and bulk.
9. The building would assume a more residential appearance with traditional windows and doors. Also, the change of use to a dwelling would result in the introduction of outdoor domestic activities and associated domestic paraphernalia on the site. This includes additional hardstanding for the access and car parking spaces, electric charging points, external lighting and the potential for additional fencing. Due to the visibility of the site from the public realm, both from Barton Road and the adjacent public right of way, this change of use would result in the erosion of the visual openness of the site.
10. Consequently, there would be both a spatial and visual impact to the openness of the Green Belt from the proposed development, and the proposal would not fall under either exception detailed above.
11. Therefore, the proposal would be inappropriate development and would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

Character and Appearance

12. The appeal site is open and spacious in nature with limited built form and a pleasant rural appearance that contributes positively to the character and appearance of the area. Although the proposal would sit within the footprint of the existing stable, the domestication of this building and part of the land surrounding it would make a significant change to the character of the site which would be highly visible from the surrounding area.
13. The domestic paraphernalia, as discussed previously, would give the site a more suburban appearance which would be at odds with its current form. It would also result in the extension of residential development from Barton Road into this rural site, which would be an incongruous addition to the existing pattern, to the detriment of the character and appearance of the surrounding area.
14. Therefore, the proposed development would harm the character and appearance of the surrounding area and would conflict with Policy DP2 of the Dartford Development Policies Plan (2017). This policy seeks to ensure new development responds to, reinforces and enhances positive aspects of the locality.

Accessibility

15. A bus stop is located on Main Road, with services to Dartford, which is in walking distance from the appeal site. There are also a number of facilities, such as shops and a primary school, within Sutton At Hone and the neighbouring South Darenth. Therefore, the occupiers of the proposed dwelling would not be fully reliant on the use of a private car and the appeal site is considered a suitable site for housing in relation to accessibility and the proximity to services and facilities.
16. Consequently, the proposed development would comply with the relevant section of Policy DP6 of the Dartford Development Policies Plan (2017). This policy seeks to ensure new development to reduce transport demand and minimise car use, ensuring that proposals are within easy walking distance of a range of community facilities.

Other Considerations

17. The proposal would result in one additional dwelling which the appellant indicates would be high quality with a number of sustainable features, such as insulation and low energy lighting. The Council have stated that they have a five-year housing land supply, which has not been contested by the appellant. Therefore, the provisions of footnote 8, paragraph 11 (d) of the National Planning Policy Framework are not engaged and the policies which are most important for determining the application are not deemed out of date. Nevertheless, as the proposal would contribute one dwelling to the housing supply, considered a windfall site by the Council, this is given moderate weight.
18. The appellant has highlighted five similar proposals in the surrounding area which have been granted planning permission. However, the decision notices provided do not indicate whether these sites are also located within the Green Belt. It is also noted that for one of the developments, at Rowhill Stables, that the site is materially different to the appeal site in relation to openness.

Therefore, these examples do not provide justification for the appeal proposal and are given limited weight.

19. The appellant's design and access statement indicates that the proposed development and change of use could be carried out under permitted development rights. However, it is noted that the Council's report highlights that prior approval for this under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 was refused. Therefore, this is given limited weight.

Conclusion and Recommendation

20. Although the proposed development would be a suitable site in relation to accessibility, this lack of harm is a neutral factor. I find that the other considerations in this case do not clearly outweigh the harm to the character and appearance of the area and harm to the Green Belt, in terms of an adverse visual and spatial impact on openness and the inappropriateness of the development that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
21. Therefore, the proposal would fail to accord with Policy CS1 and CS13 of the Dartford Core Strategy (2011) and Policy DP22 of the Dartford Development Policies Plan (2017) which seeks to protect less appropriate areas for development such as the Green Belt, along with the Green Belt objectives of the Framework. It would also fail to accord with Policy CS10 of the Dartford Core Strategy (2011) and the Housing Windfall Supplementary Planning Document (2014) which, for windfall sites, requires the consideration of whether the benefits of development outweigh the disbenefits.
22. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be dismissed.

R C Kirby

INSPECTOR