



Appeal Decision

Site visit made on 19 January 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/K2230/W/21/3273757

6 Lacknut Cottages, Wrotham Road, Culverstone Green, DA13 0RG

- 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 Terrants Ltd against the decision of Gravesham Borough Council.
 - The application Ref 20200917, dated 7 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is erection of a detached 2 bed, 1.5 storey infill dwelling with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached 2 bed, 1.5 storey infill dwelling with associated parking and landscaping at 6 Lacknut Cottages, Wrotham Road, Culverstone Green, DA13 0RG in accordance with the terms of the application, Ref 20200917, dated 7 September 2020, subject to the conditions in the attached schedule.

Main Issues

2. These are:
 - Whether the proposed dwelling would be inappropriate development within the Green Belt; and
 - The effect on the character and appearance of the area which is within the Meopham Downs Landscape Character Area.

Reasons

3. The National Planning Policy Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. These include limited infilling in villages.
4. Culverstone Green is identified as a third tier settlement in the Core Strategy and is inset from the Green Belt. Although not referred to as a "village" in the development plan, it has the facilities and sense of place that warrant describing it as such for this assessment. The proposed single dwelling is "limited" in scale. The appeal site lies between Lacknut Cottages and Rose Cottage with Willow View Stables to the rear. As it would be surrounded by development on three sides the proposal would constitute "infilling". The sole matter in dispute is therefore whether it would be "in" the village.
5. The appeal site is outside the designated rural settlement boundary of Culverstone Green on the Core Strategy policies map. However, the judgment in *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195

establishes that when considering whether a site is in a village regard should be had to the situation “on the ground” as well as any relevant policies. The supporting text of the Core Strategy explains that the boundaries of the rural settlements inset from the Green Belt do not define their full extent. Rather they relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on openness.

6. The formal boundary was therefore set for a specific purpose and does not necessarily include all of Culverstone Green. For example, the primary school and a petrol filling station are outside it. Policy CS02 of the Core Strategy indicates that development outside of the rural settlements will be supported where it is compatible with national policies for protecting the Green Belt. Therefore local policy does not preclude any development that would comprise limited infilling in villages.
7. The designated settlement runs along Whitepost Lane and includes the eastern side of Wrotham Road (A227). Residential streets and cul-de-sacs run off of Whitepost Lane and there is also a shop, community centre and recreation ground. The boundary is tightly drawn around the housing. The appeal site is about 120m to the south of it on the western side of the A227.
8. The parties have referred to other appeal decisions where Inspectors have applied the principles of the *Julian Wood* judgment. However, the findings they made related to the particular circumstances at play including the site context and the relationship of the site with surrounding development. Therefore the outcomes of those cases are of limited importance in determining this appeal.
9. Lacknut Cottages is one of the earliest buildings in Culverstone Green as shown on the map of 1869-1870. The site was therefore within the original village confines centred around the former Plough public house. This provides some local history and context. Nevertheless, more attention should be paid to the current situation. To that end there are various factors that point to the site falling within the village. These include footways connecting to the designated settlement; the lay-by opposite; the proximity of the recreation ground and other facilities; the suburban front boundary treatments nearby and the position of the 30mph sign which denotes entering a built-up area.
10. More substantively the site is immediately adjoined by development and is partly hard surfaced following the implementation of a planning permission for an enlarged parking area alongside No 6. It is also part of a long-established and continuous built frontage albeit that some of the properties are quite widely spaced. This line of buildings on the western side of Wrotham Road provides a clear linkage to the main body of the settlement. Furthermore, because of the inter-visibility between the two, there is a clear connection between the appeal site and the defined edge of Culverstone Green. The site is not obviously within the countryside and neither is it separated or divorced from the settlement to the extent that it is clearly outside it. On the contrary it is physically and functionally part of it.
11. Therefore the proposed development would take place in a village for the purposes of applying Green Belt policy. As it would be limited infilling the proposal would not be inappropriate development. It follows that there would be no adverse effect on openness and that none of the Green Belt purposes would be infringed. There would be no conflict with Policy CS02.

Character and appearance

12. The Meopham Downs Landscape Character Area is characterised by gently undulating topography with a mix of arable and pasture farmland and contains three large settlements located along the A227. These comprise dense clusters of buildings that have formed along the road and which link all three villages.
13. The proposed house would be in an existing gap between dwellings. However, it would maintain the prevailing pattern of ribbon development. The Character Assessment makes no mention of the importance of breaks between the built form along the A227. Furthermore, the site has been urbanised to a degree by the creation of a parking area and it would be lawful to construct a double garage and store here. In any event, as there are buildings on both sides and to the rear, the land makes no meaningful contribution to the wider landscape. Therefore the proposal would have no adverse impact on its rural qualities as identified in the Assessment.
14. As such, there would be no harm to the character and appearance of the area or to the Landscape Character Area. Because of this there would be no conflict with Policy CS12 of the Core Strategy which aims to conserve, restore and enhance the overall landscape character and valued landscapes or with the development and design principles in Policy CS19.

Other considerations

15. The proposed dwelling would be modest in scale and its design would integrate well with the surroundings. It would be located so that the facilities and services of the village could be accessed on foot and there are bus routes along the A227. The Council is unable to demonstrate a five year housing land supply and the proposal would make a small positive contribution in this regard. All of these considerations support the appeal.

Conditions

16. The Council has not suggested any conditions but the development should be carried out as intended. Therefore, in the interests of certainty, the plans should be specified. These contain details of external materials, parking, bin and cycle stores, a vehicle charging point and gates and so further approvals are not required. However, to promote sustainable transport, a condition is needed to ensure that the charging point and cycle storage are provided. Hedge and tree screening is also indicated and this should be secured to provide some biodiversity mitigation.
17. A parking area has already been laid out and the proposal would utilise the existing access meaning that no further conditions are required in these respects. Conditions are requested by the Council's regulatory services. However, there is no evidence that this former garden area is likely to be contaminated. The application form indicates that the property would be connected to the mains sewer and it is unclear what the code of practice on construction entails. These are therefore unnecessary.

Conclusion

18. The proposed development would not be inappropriate development in the Green Belt and would not harm the character and appearance of the area. It would accord with the development plan and there are no other material

considerations to outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 20014-E-100, 20014-P-200A, 20014-P-300A, 20014-P-800, 20014-P-950 and 20014-P-951.
- 3) The dwelling hereby permitted shall not be occupied until the cycle store and vehicle charging point have been provided in accordance with the approved drawings and they shall thereafter be retained.
- 4) No development beyond the construction of the foundations shall take place until details of planting have been submitted to and approved in writing by the local planning authority. The details shall include the quantity, size, species and positions of all hedging and trees to be planted as shown on the approved drawings and a programme for implementation. The planting shall be carried in accordance with the approved details and with the programme for implementation.
- 5) If, within a period of five years from the date of planting pursuant to Condition 4), any hedging or tree is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, then it shall be replaced in the next planting season by hedging or another tree of such size and species as may be agreed in writing with the local planning authority.