



Appeal Decision

Site visit made on 17 January 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/K2230/W/21/3273505

Stables, South Street Farm, Wrotham Road, South Street, Meopham, DA13 0QJ

- 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 Dermott Leydon against the decision of Gravesham Borough Council.
 - The application Ref 20201349, dated 17 December 2020, was refused by notice dated 16 April 2021.
 - The development proposed is an amended proposal for conversion of former stable block into three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
3. The appellant seeks to amend planning permission ref: 20170748 that granted the redevelopment of the stable buildings to residential. The Council indicate that the works that have been undertaken at the site to convert the stables has not accorded with the approved plans. Furthermore, the works do not accord with a subsequent non-material amendment approval (planning ref: 20190203) relating to that original planning permission. I have been provided with those plans permitted by the Council under both approvals.
4. The proposal seeks the conversion of a group of stable buildings to three dwellings. For clarity, I have limited my consideration of the proposed works to that shown on the proposed plans that are subject of this appeal as there is the possibility that the works that have taken place at the site are different to those that are before me.

Main Issues

5. The main issues raised in respect of this appeal are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt;
 - b) The delivery of affordable housing; and

- c) The effect of the proposed development upon the character and appearance of the host buildings and the surrounding area.

Reasons

Green Belt

6. The Council has previously granted planning permission for the change of use of the stable to residential use. On this basis the Council has already determined that the development would not materially affect the Green Belt. The porches, alterations to openings, additional rooflights and meter enclosure would not add sufficient size and bulk to the buildings so as to be considered disproportionate additions over the size of the original buildings. An additional dwelling would result in three gardens instead of two. The Council concludes that the adverse impact of the proposed development to openness would be relatively minor. On the evidence that is before me, I see no substantive reason that might lead me to a different conclusion to that of the Council. Therefore, the proposal would not be inappropriate development in the Green Belt or conflict with the purposes of including land within it.

Affordable housing

7. The Council's Strategic Housing Market Assessment (SHMA) June 2016 has identified an affordable housing requirement of 4818 dwellings from 2014 to 2024 and 8604 dwellings from 2012 to 2037. This amounts to 344 dwellings annually. The Council indicates that the SHMA seeks policy to focus on increasing the proportion of smaller units in rural wards to increase the diversity of rural housing choice and to improve affordability for all ages, types and sizes of households. The Council also points to the Meopham Rural Housing Needs Survey December 2020 that identifies a need for up to 25 affordable homes for local households of various tenures.
8. The appellant contends that Policy CS16 of the Gravesham Local Plan Core Strategy (the CS) is out of date as it does not conform with the Framework as the proposal would not be a major development and would reuse vacant buildings.
9. Policy CS16 of the CS requires the provision of 35% affordable housing on all new housing development of three units or more or on sites of 0.1 hectares or more in the rural area. The proposal being for three dwellings and having a site area of 0.3 hectares is caught within the threshold of Policy CS16 to provide affordable housing.
10. Paragraphs 63 and 64 of the Framework set out requirements for local planning authorities, where a need for affordable housing is identified to set policies for meeting this on site, unless a financial contribution in lieu can be robustly justified. The Framework indicates that provision of affordable housing should not be sought for residential development unless they constitute major developments, other than in designated rural areas (where policies may set out a lower threshold of five units or fewer). It also states that this can be reduced by a proportionate amount to support the re-use of brownfield land where vacant buildings are being reused or redeveloped.
11. I consider the policy approach to affordable housing as set out in Policy CS16 to be consistent with the Framework and it therefore remains the starting point for my decision in respect of affordable housing. However, the Written

Ministerial Statement of November 2014 (WMS) is also a material consideration and attracts considerable weight.

12. The WMS sets out the Government's intention to prevent affordable housing and tariff style contributions from placing a disproportionate burden on small-scale developers and the consequent adverse effect this has on overall housing supply. The WMS indicates that contributions should not be sought for sites of 10-units or less. Whilst I have found Policy CS16 to be consistent with the Framework, it would conflict with the WMS. Nonetheless, there is a pressing need for affordable housing in the Borough and the proposal would make an important contribution to affordable housing delivery. Whilst the WMS is a material consideration it does not outweigh the development plan.
13. I have no substantive evidence before me to suggest that the application of Policy CS16 is placing an unreasonable or disproportionate burden on the developers of small-scale schemes. Moreover, the appellant has not provided anything that leads me to conclude that viability is an issue in this case.
14. The Framework makes provision for a proportionate reduced amount of affordable housing when the development would relate to the redevelopment of vacant buildings. The Council has provided the planning application form pertaining to the original planning application ref: 20170748. The description of the proposal provided on the form describes the development to be a change of use of the existing stables buildings. In addition, the existing use provided on the form describes the current use of the site to be for livery purposes for the keeping and maintenance of horses. Furthermore, the Structural Appraisal Report (April 2017) that supported that planning application comments upon the current use of the development as being stabling.
15. Consequently, the available evidence strongly points to the buildings having been used as stables and were not vacant prior to those works that have taken place at the site. This, therefore, does not support a reduction of affordable housing on the basis of re-use or redevelopment of vacant buildings.
16. There is significant need for affordable housing within the Borough. I conclude that the proposal should contribute to an unmet need for affordable housing to which small sites, such as the appeal site, have an importance in delivery. I give full weight to Policy CS16 of the CS and the proposal should be determined in line with the development plan. As such, the proposal does not make adequate provision for affordable housing. This brings the proposal into conflict with Policy CS16 of the CS and the Framework.

Character and appearance

17. The site is located within the Meopham Downs Landscape Character Area (LCA), which is a countryside landscape. Within the environs of the appeal site the area is characterised by agricultural and equestrian development, with some sporadic houses along Wrotham Road.
18. The original buildings at the site were equestrian in nature and had the appearance of stables. The original buildings contained various openings, mainly stable doors and small windows, but these were simple and utilitarian in appearance. The original planning permission and non-material amended approval allowed openings within the elevations, but the Council considered that these retained the essence of the original character of the buildings. The

previously approved non-material amended approval plans had a more modern approach to the alterations to the buildings than that of the original planning permission.

19. This proposal seeks the introduction of two enclosed porches, a meter enclosure, as well as alterations to the approved openings and some additional rooflights.
20. The proposed porches would be situated within the courtyard. They would replace open sided porches that were previously approved. Some additional rooflights are proposed within the courtyard roof slopes. A number of the openings and rooflights would alter in appearance and/or positioning. The elevations within the courtyard are not readily visible in views outside the site. Whilst these alterations would change the appearance of the courtyard elevations to that of the approved schemes, the changes would not be substantially appreciably different to those alterations approved by the Council as part of the non-material amended approval. Furthermore, the meter enclosure would be of an extremely modest size and would have little visual impact upon the appearance of the overall development.
21. Turning to the outward elevations, many of the openings would remain as per those approved under the non-material amended approval. Some openings would be changed from windows to doors or vice versa, with some openings being slightly repositioned within elevations. On elevation E02 a window opening would be enlarged although the number of openings within this elevation would reduce. I do not find that the changes to the outward facing elevations would be substantially appreciably different to those alterations approved by the Council as part of the non-material amended approval.
22. The alterations to the buildings would make the stables more residential in appearance. However, I do not consider the resulting appearance brought about by the proposed alterations would be significantly more visually harmful to the original buildings and outward appearance of the development than that of those alterations approved by the Council as part of the non-material amended approval.
23. For these reasons, I conclude that the proposed development would not harm the character and appearance of the host buildings and the surrounding area. As such, the proposed development would comply with Policy CS19 of the CS and the provisions of the Framework that seek, amongst other matters, new development to be visually attractive and to achieve well-designed places.

Other Matters

24. The Council advises there to be 3.27-years of deliverable housing sites, and this is below that required by the Housing Delivery Test. If there is not a five-year supply of deliverable sites in place, the provisions of paragraph 11d)ii of the Framework should be applied.
25. The adverse impacts arising from the proposal relate to the failure to make adequate provision for affordable housing. The proposal would conflict with relevant development plan policies.
26. On the other hand, the Government's objective is to significantly boost the supply of homes and recognises the cumulative impact developing windfall and small sites can make to meeting supply. However, three dwellings would make

little difference to the overall supply of housing and the support three extra household would provide to the social and local economy would also be minimal. The harm that I have identified relating to the failure to make adequate provision for affordable housing is not outweighed by the contribution to housing land supply or those limited social and economic benefits associated with the proposal.

27. Consequently, the failure to make adequate provision for affordable housing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. I conclude that the development would not be inappropriate development within the Green Belt and would have an acceptable impact upon the character and appearance of the host buildings and the surrounding area. However, for these reasons set out above, the proposal would fail to make adequate provision for affordable housing. The proposal would, therefore, conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Nicola Davies

INSPECTOR