
Appeal Decision

Site visit made on 3 May 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2022

Appeal Ref: APP/K2230/W/21/3283248

32 Castle Lane, Gravesend, DA12 4TQ

- 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 D Smith against the decision of Gravesham Borough Council.
 - The application Ref 20210202, dated 17 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is erection of a 3 bedroom detached timber framed dwelling with associated parking, amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.
3. Within the evidence before me reference has been made to the Council's emerging Development Management Policies Document. However, as I am unaware of the extent and content of unresolved objections to the plan, I can only afford its policies limited weight in my decision. Therefore, I have relied primarily upon the policies within the Gravesham Local Plan Core Strategy 2014 and the Framework in coming to my decision.
4. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that Gravesham Borough Council has delivered 57% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the Framework would be engaged. As this was also the outcome of the 2020 HDT results I have not sought further views from the parties on this matter.

Main Issues

5. The main issues are:
 - whether the proposed new dwelling would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it;
 - its effect 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

6. The appeal site is situated in the Metropolitan Green Belt. The Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
7. Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (CS) sets out the scale and distribution of development across the Borough. It states that development outside of settlements will be supported where it is compatible with national policies for protecting the Green Belt.
8. Paragraph 149 (e) of the Framework permits limited infilling in a village. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling.
9. Reference has been made to the Council's emerging policy DM7, however as I have already set out this policy can only be given limited weight. Therefore, whilst this policy may set out the scale of sites which may be appropriate for infilling, given the weight that can be attributed to this policy it does not lead me to alter my conclusions on this main issue.
10. The site is located just outside of the defined urban/rural area boundary which runs along Castle Lane. There are a small group of dwellings on this side of Castle Lane but the pattern of development is sporadic and much looser than the more formal layout of the housing development opposite. The area is characterised by low-density development, which is dispersed along the lane.
11. The site forms part of an undeveloped gap which separates 32 Castle Lane and the adjacent Scout Hut. The large garden of 32 Castle Lane contributes to the spaciousness of the undeveloped gap. This gap has a substantial frontage, depth and area and beyond the site there is no further development to the rear.
12. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute limited infilling. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would be limited infilling.
13. The proposal before me would result in a reduction in the size of the gap which currently exists between 32 Castle Lane and the former Scout Hut, however whilst the dwelling would be positioned closest to the boundary with the former Scout Hut and set back from the frontage, there would be associated development (access and parking area) and domestic paraphernalia which would reduce the extent of the gap considerably.

14. I note that the former Scout Hut has been subject to a recent planning application for redevelopment for 2 no chalet bungalows, however I have not been provided with any details of this proposal nor can I be certain that if approved it would be implemented. However, even if redeveloped this would not alter my conclusions relating to whether the proposal would result in limited infilling.
15. The combination of the extent of the gap between the existing buildings, the scale of the development and the wider built context of the site all lead me to conclude that even if the site formed part of the village of Chalk, the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.
16. It has also been put to me that the site comprises previously developed land and therefore paragraph 149(g) of the Framework applies. This allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
17. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result, but equally this does not mean that the openness of the Green Belt has no visual dimension.
18. In the case before me the built form and footprint of development would increase significantly above that which currently exists on the site. The proposed dwelling would be positioned across the frontage of the site, resulting in a greater coverage than currently exists.
19. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt. Therefore, it would result in significant harm to the openness of the Green Belt.
20. Therefore, even if I were to accept the appellants view that the land was previously developed it would not meet the criteria set out under paragraph 149(g).
21. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

22. The site is within the Higham Arable Farmlands Landscape Character Area which is defined by gently undulating topography, with scattered properties with a locally distinct style which contribute to the rural character of the area. The assessment recognises that the overall condition of the landscape is poor and has a moderate sensitivity to change.
23. Although the site is generally screened by the existing hedge, the lack of built development still enables the space between 32 Castle Lane and the Scout Hall

to be experienced as a gap, with the other development of The Barn being modest in its proportions and set back from the frontage of the site. Whilst I accept that the development of the site with a single dwelling would still enable a gap to be maintained between the appeal site and 32 Castle Lane, I consider that the proposed siting of the dwelling would erode this gap which contributes positively to the open nature and rural character of the area. This would lead to a built form and suburbanisation that would be at odds with the open quality of the area.

24. Although the garden areas for both the existing and proposed dwelling would be reasonably spacious, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic paraphernalia, with the parking and turning area located at the front of the site. This has the effect of eroding the open and rural character of the immediate area and the site's location, failing to conserve or enhance the character of the area.
25. Although the design of the dwelling would respect local vernacular and suitable landscaping could be incorporated, the development would result in an increase in the density of development within the locality, which along this part of Castle Lane, is generally characterised by loosely spaced development. This increased density would lead to an urbanising affect which would be both out of character and harmful to the overall character and appearance of the area.
26. For these reasons the development would have an adverse impact on the character and appearance of the area, contrary to policy CS12 which states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications. It would also fail to accord with policy CS19 of the CS, which seeks to conserve and enhance the character of the local built and natural environment and integrate well with the surrounding local area.

Other Matters

27. The 2021 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
28. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework, that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to land designated as Green Belt.
29. Given my findings in relation to the Green Belt there is a clear reason for refusing the development proposed, I am not required to apply the tilted balance in this respect, albeit that the delivery of housing when there is evidence of under delivery is a benefit to which I have given moderate weight.

30. The proposed development would offer the benefit of delivering an additional home in a location with access to public transport and other benefits such as the contribution that its construction would make to the local economy. I consider that any such benefits would be modest given the scale of the development and I have given this limited weight.
31. The site is adjacent to an area safeguarded in a consultation document by Highways England for a works compound in conjunction with the Lower Thames Crossing. This would be for a temporary period during the construction phase and therefore any visual impacts arising from this would be limited. Therefore, I have given this limited weight.
32. I have taken into account the appellant's wish to provide affordable, more suitable accommodation for family members. However, the personal circumstances set out within the evidence before me are not sufficient to outweigh the harm I have identified and therefore I have given this limited weight.
33. It would appear that the appeal site falls within a 'Zone of influence' for the Thames Estuary and Marshes Ramsar Site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

34. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.
35. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
36. As explained above I give moderate or limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
37. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with policy CS02 of the CS and the Framework.
38. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR