



Appeal Decision

Site visit made on 15 March 2022 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/K2230/D/21/3279575

Greendale, Queens Farm, Queens Farm Road, Shorne, DA12 3HU

- 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 Bungar against the decision of Gravesham Borough Council.
 - The application Ref 20210164, dated 22 January 2021, was refused by notice dated 26 May 2021.
 - The development proposed is a summer house/outbuilding.
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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.

Procedural Matter

3. The parties referred to the now superseded National Planning Policy Framework (NPPF 2019) and, in particular, the provisions of paragraph 145 and 146 of the NPPF 2019. The main thrust of the provisions outlined in paragraph 145 and 146 of the superseded version are comparable to the provisions now outlined within paragraph 149 and 150 of the more recent iteration of the NPPF (2021). I am satisfied therefore that the issues at hand in this appeal are not affected by the policy change and that neither party would be prejudiced by my reference to the more recent NPPF (2021).

Main Issues

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposal would preserve or enhance the character and appearance of the Queens Farm Conservation Area;
 - The effect of the development on the character and appearance of the Higham Arable Farmlands Landscape Character Area; and,
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- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

5. The appeal property consists of a converted farm building which is one of four dwellings created out of the conversion of Queens Farm, a former multi-courtyard farmstead. The property is situated within the Green Belt, the Queens Farm Conservation Area (QFCA) as well as the Higham Arable Farmlands Landscape Character Area.
6. Saved Policy C13 of the Gravesham Local Plan First Review 1994 (the 'local plan') relates to extensions to dwellings in the countryside and states that domestic outbuildings will be considered on their individual merits but will be required to be well-designed, discreetly sited and subservient to the scale of the main dwelling on the plot. As noted by the Council, this saved policy pre-dates the NPPF and is not consistent with paragraph 149 of the NPPF which states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Given this, only a limited amount of weight can be attached to this policy. The more recently adopted Policy CS02 of the Gravesham Local Plan Core Strategy (the 'Core Strategy') is consistent with the NPPF in that it states that new development in the Green Belt will be supported where it is compatible with national policies.
7. In considering the exceptions set out at paragraphs 149 and 150, the appellant opines that the proposal would consist of a form of development that would be considered to not be inappropriate. Their appeal statement refers to point (e) of paragraph 150 of the NPPF (previously paragraph 146) and states that the proposed use would be in connection with the existing use of the land for outdoor recreation. However, it is clear that the appeal site is in residential use and the proposed domestic outbuilding would be ancillary to the host dwelling and located within a private residential garden. As such, it is not considered that the proposal would meet exception (e) of paragraph 150 or exception (b) of paragraph 149 of the NPPF.
8. As the proposed outbuilding would be located in close proximity and would be clearly incidental to the main dwelling, it would reasonably be considered as an extension to the main dwelling for the purposes of this assessment and thus meet exception (c) of paragraph 149. This is alluded to by the appellant, stating that the proposed outbuilding would not result in disproportionate additions over and above the size of the original building. The "original building" shall mean the building as it existed on 1 July 1948, which is consistent with the definition set out within Annex 2 of the NPPF.
9. Neither party have provided me with details relating to the size of the original building or calculations showing the extent of the proposed uplift in floorspace. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does provide some guidance on measuring 'proportionality'. The NPPF refers to 'size' which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception.

10. In this case, the scale of the proposed outbuilding would be significant given its considerable width and massing. It would also feature a pitched roof which exacerbates its height and visibility. Whilst I appreciate the development would be built with sympathetic materials which match the host dwelling and the wider farmstead, the increase in volume of built form within the plot, including at first floor level, would be excessive. The resultant building would be smaller in size than the host dwelling, yet it would visually compete with the main house in light of its proposed mass and height, appearing in scale comparable to a wholly new and separate residential dwelling. Therefore, I find that the scale of the proposed development would be disproportionate in the context of the size of the original building.
11. On this basis, I find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149 and 150 of the NPPF, as detailed above, and Saved Policy C13 of the Local Plan and Policy CS02 of the Core Strategy which together seek to resist inappropriate development in the Green Belt.

Openness

12. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The introduction of a new building in an unbuilt area of the plot would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the significant increase in built form means the proposal would also have a greater visual impact on the openness of the Green Belt. Indeed, the resultant bulky and substantial outbuilding would be readily visible from Queens Farm Road. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt.

Conservation Area

13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 197, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
14. The site lies within the Queens Farm Conservation Area (QFCA) which is centred around the historical farmstead buildings which form part of Queens Farm. The buildings within Queens Farm date from the 19th Century and the Council's conservation officer noted that the rural setting of QFCA is remote, wild and quiet, and captures the unique quality of a historic farmstead adjacent to Gravesham's East Thames Marshes. The significance of the conservation area is derived from its historical agricultural character and unusual layout. Indeed, the internal courtyard space is unusually divided by a single brick wall and the 19th century timber framed barn that fronts onto the courtyard has one cart entrance onto each half of the courtyard. Therefore, the integrity of the historical farmstead courtyard layout is key to the significance and character of the QFCA.

15. Although the appellant states that the scale and mass of the proposed building would be subservient to the host dwelling and would not erode the integrity of the original farmstead, I conclude that the erection of a considerably large outbuilding in an unbuilt area of the courtyard would undoubtedly harm the layout. The introduction of built form at the southern end of the courtyard would drastically alter the layout as it would appear to enclose the courtyard. I also find that as a result of the proposal the appeal site and the courtyard would appear cramped and overdeveloped.
16. Due to its pitched roof and height, the outbuilding would also be highly visible and appear prominently when seen from Queens Farm Road. It would constitute an incongruous addition to the site and would thus damage the integrity of the historical farmstead courtyard layout. Paragraph 199 of the NPPF advises that when considering the impact of development on the significance of designated heritage assets such as the QFCA, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. In the absence of any defined or substantiated public benefit, I conclude that the proposal would fail to preserve the character and appearance of the Queens Farm Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the NPPF and conflict with policies CS19 and CS20 of the Core Strategy that seek, among other things, to ensure proposals preserve and enhance heritage assets. As a result, the proposal would not be in accordance with the development plan.

Higham Arable Farmlands Landscape Character Area

18. The appeal site lies within the Higham Arable Farmlands Landscape Character Area (LCA) which is characterised by gently undulating topography, open arable farmland, views of the marshes and River Thames and isolated farmsteads with locally distinct styles and materials. The Gravesham Landscape Character Assessment (2009) highlights the fact that isolated farmsteads with locally distinct styles and materials provide local distinctiveness. It also states that proposals that would introduce obtrusive elements within visually sensitive areas of the open landscape should be resisted.
19. In light of the fact that the proposed outbuilding would erode the distinctive layout and character of the historical farmstead and would be visible from Queens Farm Road as well as from the open countryside to the south-west and south-east, it is considered that it would also adversely impact the local distinctiveness of the LCA. Whilst the proposed roof profile would match the appeal property, the proposal would nevertheless introduce a large, bulky and obtrusive structure within the courtyard that would undermine the character of the isolated farmstead and surrounding open landscape.
20. The proposal would therefore conflict with policies CS12 and CS19 of the Core Strategy and the NPPF which together seek to ensure proposals are well-designed and conserve, enhance and integrate well with the surrounding local area including distinctive landscape areas.

Other considerations

21. The NPPF highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. In this regard, the appellant states that the outbuilding is necessary as it would allow for more space for the occupants considering they work from home. The appellant also states that the occupants suffer from medical conditions and that the proposed outbuilding would allow for the occupants to maintain fitness levels. Whilst the restrictions related to the Covid-19 pandemic have been lifted, I am mindful that many people now work from home or partially work from home. However, there is no evidence before me to support the contention that this would be the only solution to the need for greater space for the appellant. Even in the event that this proved to be the case, I attach some limited weight to this consideration.

Planning Balance and Overall Conclusion

23. I have concluded that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight must be given cumulatively to this harm. I have also found that the proposal would harm the Queens Farm Conservation Area and Higham Arable Farmlands Landscape Character Area. The weight attributed to the other consideration in this case is limited and does not outweigh the substantial harm I have identified.
24. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR