



Appeal Decision

Site visit made on 23 August 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/K2230/D/21/3282859

Bucklebury, Pear Tree Lane, Shorne, Gravesend DA12 3JS

- 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 N Turner Goldsmith against the decision of Gravesham Borough Council.
 - The application Ref 20210499, dated 7 April 2021, was refused by notice dated 22 June 2021.
 - The development proposed is construction of a single storey outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a single storey outbuilding at Bucklebury, Pear Tree Lane, Shorne, Gravesend DA12 3JS in accordance with the terms of the application, Ref 20210499, dated 7 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 201 'Site Location Plan', 202 Rev.A 'Existing Site/ Block Plan', 203 'Proposed Site Plan', 204 'Proposed Floor Plans and Elevations'.
 - 2) The new trees to the northern and eastern site boundaries, as indicated on drawing 203 'Proposed Site Plan', shall be planted during the first available planting season following the first use of the outbuilding.
 - 3) If, within a period of 5 years from the date of planting, any of the new trees (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

Preliminary Matters

2. At the time of my site visit, development had been carried out similar to the proposed development. However, there are discrepancies between the submitted plans and the development that exists on site, including the north and east elevations which are set partially on a brick skirting and which include an air conditioning unit. The planting shown on the plans has not been installed to the northern and eastern sides of the building and these areas are partially paved. However, I have assessed the development on the basis of the supporting plans.
3. The description of development used in the banner heading above is taken from the planning application form. I have removed references to the

development being retrospective and seeking to regularise, as these are not descriptions of development.

Main Issues

4. The main issues are:

- i) Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- ii) The effect on the openness of the Green Belt;
- iii) The effect of the development on the character and appearance of the area including the Shorne Woodland Landscape Character Area (the SWLCA);
- iv) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate

- 5. The Framework at paragraph 137 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions in paragraph 149. One such exception, at paragraph 149c), is 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 Framework does not define the term disproportionate, and this is a matter of judgement.
- 6. Saved Policy C13 of the GLPFR¹ contains the Council's policy for extensions to dwellings in the Countryside. The supporting text clarifies that this policy seeks, among other things, to maintain the open character of the Green Belt. Part ii) states there will be an overall limit of one third of the gross floor area of the original dwelling prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling. Part vii) of the policy relates to outbuildings and states, among other things, that they should be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.
- 7. Based on the information before me and the findings of my site visit, the outbuilding is incidental to the main dwelling, lies within its clearly defined curtilage and has a visual relationship such that it can be considered to be grouped with the main dwelling. For these reasons, and notwithstanding the Council's view, I accept that the outbuilding could be regarded as an extension to the dwelling for the purposes of paragraph 149c) of the Framework.

¹ The Gravesham Local Plan First Review: Saved and Deleted Policies Version 2014

8. It therefore falls to be considered whether the development is a disproportionate addition to the dwelling. The main parties agree that planning permission for the house was granted in 1959 and a later rear extension was approved in 2000. While there were building works being undertaken to the main dwelling at the time of my site visit, I do not have evidence before me to suggest that there have been further extensions undertaken beyond those referred to by the parties in their evidence. I also note that there were other structures within the rear garden that are not shown on the supporting plans. However, in the absence of details of these structures, including their degree of permanence, I have not included them in my assessment.
9. Based on the appellant's own calculations, the existing extension to the main dwelling, together with the proposed outbuilding, would exceed the limit of a one third uplift set out in Policy C13 of the GLPFR. However, notwithstanding the overall floorspace uplift, the outbuilding is subservient to the size of the main dwelling in terms of its dimensions and scale. It is sited at the end of the garden and is clearly designed to be a subservient garden structure through its lower-level roof forms and facing materials including timber cladding.
10. Insofar as it does not alter the bulk or appearance of the main dwelling, and is a subservient structure for the reasons above, I find the development to comply with the second part of saved Policy C13ii), which allows for an exception to the floorspace limit if the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling. It also complies with part vii) insofar as it requires outbuildings to be well designed, discreetly sited and subservient to the scale of the main building.
11. Taking the above factors into consideration, I conclude that the outbuilding does not result in disproportionate additions over and above the size of the original building and is not, therefore, inappropriate development in the Green Belt. Consequently, it is not considered harmful to the openness of the Green Belt or to the purposes of including land within it, and it is not necessary for the development to be justified by very special circumstances.
12. The development complies with saved Policy C13 of the GLPFR which sets out criteria for extensions in the countryside, and Policy CS02 of the CS² insofar as it supports development where it is compatible with national policies for protection of the Green Belt. As I find the development is not inappropriate under paragraph 149c) of the Framework, it is not necessary to consider the development under other sections of that paragraph.

Character and Appearance

13. The appeal site is at the end of a ribbon development on Pear Tree Lane. This part of the road has a rural character created by areas of woodland and mature planting, generous plot sizes and the set back of properties from the road. The appeal site adjoins open farmland, and beyond this is the A226 set behind a hedgerow and properties on Crutches Lane, which have outlook towards the appeal site. The site lies within the Shorne Woodlands Landscape Character Area (SWLCA), as defined by the Gravesham Landscape Character Assessment 2009 (Gravesham LCA), which describes among other attributes, the area's enclosed character resulting from the landforms and tree coverage in the area.

² The Gravesham Local Plan Core Strategy 2014

14. Despite the open nature of the surrounding farmland, the appeal site, by contrast, has a more domestic character created by its residential paraphernalia, trees and landscaping. These features are contained by a substantial brick boundary wall which clearly defines the garden area. The outbuilding, by reason of its scale and design including its facing materials, clearly reads as a domestic structure within the setting of the garden and a part of the ribbon development. The introduction of landscaping between the building and the boundaries, as shown on the supporting plans, would assist with its integration into the verdant character of the site and the wider SWLCA, particularly in views across the open farmland and from the residential properties to the east.
15. While there may still be some visibility of the building from those view points, and it is unlikely that planting in this space would provide full screening, given its location within the clearly defined residential curtilage, I do not find that some visibility of the building would cause harm.
16. For the reasons above, I conclude that the outbuilding does not cause harm to the character or appearance of the area or to the SWLCA. The development complies with Policies CS12 and CS19 of the CS which relate to high quality design and conservation of landscape character. It complies with saved Policy C13 of the GLPFR insofar as it gives design objectives for outbuildings to dwellings.
17. I do not find conflict with the aims of the Gravesham LCA nor the design objectives of the Framework. Insofar as this main issue is concerned, I do not find conflict with Policy CS02 of the CS, which relates to the distribution of development across the borough and Green Belt objectives.

Other Matters

18. The Council has raised concerns regarding the incremental increase in development on the appeal site, and the potential for a precedent for similar outbuildings on nearby sites. However, my considerations are limited to the development described above and the site specific considerations in this instance in terms of the main issues above. In this case, and notwithstanding any existing development on the appeal site, I find the outbuilding to be acceptable for the reasons stated and consequently, I do not consider that my decision would set an undesirable precedent, particularly given that other proposals for similar developments would be assessed on their own merits having regard to relevant policy.
19. Due to its siting behind the main dwelling, and its use, I am satisfied that the outbuilding is incidental to the use of the dwelling. I have no substantive evidence to suggest that the outbuilding is larger than it would need to be to accommodate a gym, and in any event, I have not found harm arising from the size of the development.

Conditions

20. The Council has provided a list of suggested conditions that it considers would be appropriate. I note that conditions are also suggested by Shorne Parish Council. I have considered these in light of the Planning Practice Guidance (PPG) and the Framework. For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.

21. A condition relating to the approved drawings is imposed to provide certainty. A condition is imposed to ensure that soft landscaping is planted behind the building to ensure the development respects the existing landscape character, and a separate condition is imposed to ensure any planting lost is replaced. As details of that planting are specified on the site plan, I do not consider it necessary that further details be submitted to the Council beforehand for their approval. Details of hard landscaping and means of enclosure are not indicated on the proposed drawings and it is not necessary to secure those details given they do not form part of the proposal.
22. As the outbuilding is incidental to the main dwelling, a condition requiring that it remain incidental would not meet the test of necessity. There is no separate dwelling before me and, in any event, any future material change of use to create a separate dwelling would require another grant of planning permission.
23. I find that a condition removing permitted development rights relating to means of enclosure or indeed all development on the wider site, would not be relevant to the development permitted, neither would it be necessary or reasonable in all other respects.
24. It has been suggested that tree preservation orders be placed on trees on the site, however, it is not within my remit to do so under this appeal, neither do I find this necessary to make the development acceptable.

Conclusion

25. For the above reasons, the development is compliant with the development plan as a whole and the appeal is allowed.

C Shearing

INSPECTOR