



Appeal Decisions

Site visit made on 26 April 2022

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/K2230/W/21/3282228

Rockley House Wrotham Road, Culverstone, Gravesend, DA13 0QN

- 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 & Mrs M Greene against the decision of Gravesham Borough Council.
 - The application Ref: 20210198, dated 12 February 2021, was refused by notice dated 28 May 2021.
 - The development proposed is described as 'demolition of existing barn and reconstruction with addition of first floor and new rooflights. Stable use to be retained with holiday lets above'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This decision relates to a single appeal. The appeal has 'travelled' with a second appeal¹. Whilst these two appeals relate to the same address, they concern different appeal sites and existing buildings and the proposed development sought is different. The appeals are not so closely related as to justify dealing with both appeals within the same decision letter. Therefore, whilst I carried out the site visit for each appeal on the same date, I have undertaken each appeal within a separate decision letter.
3. Since the Council issued the decision notice, a revised National Planning Policy Framework (the Framework) was published on the 20 July 21. I have had regard to the revised Framework in my consideration of this appeal.
4. As part of the appeal the appellant has provided a number of revised plans, drawing numbers 7456-PD3-001 Rev A; 7456-PD3-030 Rev A and 7456-PD3-031 Rev A. These show a revised red line boundary, access and parking arrangement, visibility splays and roof light alterations. It is not clear to me that these plans formed part of the original application and that interested people's views were sought upon them. I therefore cannot be satisfied that no party would be prejudiced by my consideration of the revised drawings in the appeal. Consequently, I have determined the appeal on the basis of the scheme and the plans which were before the local planning authority when it made its decision, namely, 7456-PD-002; 7456-PD3-001; 7457-PD3-005; 7456-PD3-030 and 7456-PD3-031.

¹ APP/K2230/W/21/3282227

Main Issues

5. The main issues are:-

- i) the effect of the proposal on the character and appearance of the area with particular regard to the Meopham Downs Landscape Area;
- ii) whether the proposal provides adequate parking and its impact on highway safety; and
- iii) whether the proposal would provide adequate living conditions for future occupiers of the accommodation with particular regard to noise and disturbance.

Reasons

Character and appearance

1. There is a variety of built form along South Street with dwellings being well spaced and generally arranged in a loose linear pattern of development with some large gaps comprising farmland and countryside in between groups of buildings. Outbuildings are not uncommon to the rear of dwellings. However, these generally have a utilitarian appearance and are smaller in scale than their host dwelling. As a result, they appear ancillary to their host dwelling and this assists in providing a gentle transition between urban built form and the countryside thus giving the area a pleasantly open and rural character and positively contributing to the Meopham Downs Landscape Character Area (LCA) within which the appeal site lies. The key characteristics of the LCA are noted to include a gently undulating topography with a mixture of arable and pasture farmland together with narrow lanes and roads that are lined with hedgerow.
2. The appeal site comprises a parcel of land which is currently occupied by a large barn type building constructed of a mix of concrete blockwork with profiled metal cladding. It is set to the rear of Rockley House, a sizeable residential dwelling set within large grounds with mature vegetation including hedgerow delineating its frontage to South Street. Positioned beyond the garden curtilage to Rockley House, the appeal site forms part of a complex of barn type buildings, paddocks and a sand school with open countryside beyond. Consequently, the appeal site is an important part of the gentle transition to the countryside and it therefore makes a positive contribution to the character and appearance of the locality and landscape character.
3. The appeal scheme includes the demolition of the existing barn building and its replacement with a building of identical height, scale, mass, footprint and form. The use of timber cladding would be a modest improvement given the current unsympathetic use of concrete blockwork as an external facing material. The proposed metal profiled roof would be similar to the roof structure of the existing building and as a result there would be similarities between the proposed and the existing buildings.
4. However, the use of the upper floor as two units of holiday let accommodation would introduce a significant number of roof light windows within the roof structure where presently there are none. The roof slope is presently unbroken and therefore the eye would be naturally drawn to the roof lights which would appear overtly domestic and a discordant addition to the roof slope.

5. Whilst the proposed development would not be readily visible from public vantage points given the intervening built form and vegetation, it would nonetheless be visible in views through and over vegetation from neighbouring properties and from the wider countryside. The use of a substantial number of rooflight windows in close proximity to each other would add to their prominence and incongruity such that they would erode the agricultural character and appearance of the building. As a result, the proposed development would be viewed as an encroachment into the countryside thus eroding the gentle transition which would be to the material detriment of the rural character and appearance of the area and landscape character.
6. Reference is made to there being numerous examples of barn conversions with rooflights on the internet. However, no specific examples of similar developments are referred to, nor did I observe any similar developments with the quantity of rooflights proposed in the locality at the time of my visit. Based upon my observations and the submitted aerial imagery, I am not satisfied that rooflights are a characteristic feature of agricultural barn buildings within the local area.
7. Accordingly, I conclude that the proposed development would be harmful to the character and appearance of the area including the landscape character of the Meopham Downs LCA. It would conflict with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014)(CS) insofar as these policies seek to conserve, restore and enhance overall landscape character and valued landscapes. There would also be conflict with the aims of the Framework which seeks to conserve and enhance the natural environment.

Parking and highway safety

8. The appeal scheme would retain a use of the ground floor level of the building as stables, albeit the use would intensify from seven to nine stables. The scheme would also lead to the inclusion of an additional floor to be utilised as two units of holiday let accommodation. As stated within the application form, I note that one additional part-time job would be created, albeit there is little detail given about this position and its frequency. The Council makes reference to there being six employees, although there is little information on this point and it is not supported by the information provided by the appellants within the application. Nevertheless, I accept that there would be some additional vehicular movements to and from the appeal site utilising the existing unmade driveway and access from South Street.
9. At the time of my site visit, I observed the existing driveway opening to be limited in width. Visibility to the south is restricted by existing hedgerow vegetation and the curve of the road. It would be difficult for two vehicles to pass simultaneously at the access and along the driveway. Given the increase in vehicular movements, albeit not a significant increase, there is the potential for vehicular conflict. In my view, it is likely that there would be instances of vehicular conflict and this could lead to a vehicle having to wait within the highway whilst accessing the site, or for a vehicle to have to reverse along the driveway which could lead to conflict with pedestrians within the site.
10. Notwithstanding the road being restricted to a speed of 30mph, it is a busy road utilised by cars, vans and heavy goods vehicles. I accept that my site visit provided only a snapshot of highway conditions, however, I have seen nothing that leads me to a different view. There would be occasions where vehicles

would have to wait within the highway and this would be likely to prejudice highway safety.

11. To overcome this conflict and avoid a vehicle having to wait within the highway, the access and driveway would require enlargement to a minimum width of some 4.8 metres for the initial 6 metres of driveway. Additionally, visibility splays in the region of 43 metres by 2.4 metres in each direction from the point of access would be required.
12. The submitted drawings do not demonstrate that the widened access and necessary sightlines can be achieved. Moreover, even if the site could accommodate these changes, it would also need to show that these changes could be achieved without adversely affecting the Green Belt and the character and appearance of the area, particularly given that it is likely that a section of hedgerow would be likely to require removal. As such, on the basis of the submitted evidence, the appeal scheme fails to demonstrate that safe and suitable access can be achieved and the scheme would not have an unacceptable impact on highway and pedestrian safety.
13. The risk of harm is further worsened by the absence of adequate space for parking, turning and the manoeuvring of vehicles within the site which would likely be exacerbated by users of the accommodation being unfamiliar with the site layout.
14. The appeal site boundary is drawn tightly around the proposed building resulting in no area remaining for the parking of vehicles associated with the appeal scheme. Similarly, it fails to provide sufficient space for manoeuvring vehicles and consequently, it has not been shown how a vehicle would turn around to ensure vehicles could access and egress the site in a forward gear. Whilst some 8 parking spaces associated with the appellant's ownership of the wider site are noted to be available for use by occupiers of the accommodation, these do not form part of the appeal site and there is no guarantee that these would continue to be available for use indefinitely, particularly if ownership of the site, or part of it, were to change in the future.
15. Taking everything into consideration, I conclude that the appeal scheme fails to demonstrate that safe and suitable access to the site could be achieved. Consequently, I find that there would be an unacceptable impact on highway and pedestrian safety. This would be contrary to CS Policy CS11 and Policies T1 and T5 of the Gravesham Local Plan First Review (1994) insofar as these policies seek to require acceptable access that preserves safe access to the highway network for all users. In addition, it would fail to accord with the provisions of the Framework insofar as these seek to prevent development on highways grounds where there would be an unacceptable impact on highway safety.

Living conditions

16. The proposed use of the ground floor of the building as some nine stables has the potential to create noise through horses whinnying and the kicking of stalls and stable walls. The noise generated by animals stabled within the building has the potential to occur at all hours including during unsociable hours of the night when occupants of the dwellings are likely to be sleeping and more susceptible to disturbance during quieter periods. This situation would be likely

to worsen during the summer months when it is likely that occupants would leave windows open for ventilation purposes.

17. The proposed units of living accommodation are stated to include an internal floor area of some 49 square metres and 60 square metres respectively, taking the Council's measurements, which have not been disputed by the appellants. By reason of their limited size there would be little opportunity for occupants to seek respite away from the noise in other areas of the property. In the absence of a noise impact assessment, there is little information before me to demonstrate the likely level of noise that will be generated by the stables use, including the noise of animals, the comings and goings of vehicles and people arriving and leaving the site and general talking and shouting from individuals whilst in attendance.
18. The appellants have indicated that they would include mitigation measures necessary to reduce noise from the barn and have stated that they would be agreeable to a condition to provide details of the acoustic specification of the proposed windows and rooflights and insulation and soundproofing of the floor area prior to any occupation of the holiday lets taking place. However, without a clear indication of the noise levels that are expected to be generated by the use of the stables or any outside areas nor any indication of the effectiveness of those suggested measures, I cannot be satisfied that a planning condition of the type suggested would be successful in overcoming potential harm to the living conditions of occupiers of the proposed holiday lets. Whilst occupants would likely occupy the accommodation on a short term basis, this does not provide adequate justification for the appeal scheme and a precautionary approach is therefore appropriate in this instance.
19. On the basis of the evidence before me, I conclude that it has not been demonstrated that the proposed development would not materially compromise the living conditions of future occupiers of the accommodation with regards to noise and disturbance. As a result, it would conflict with CS Policy CS19 insofar as this policy requires new development to safeguard the amenity of occupants. Similarly, it would fail to accord with the aims of the Framework which concern the creation of places with a high standard of amenity for existing and future users.

Other Matters

20. The appeal site is located within the Metropolitan Green Belt. The appeal scheme proposes a 'like for like' replacement building. As such, it is the Council's view that the development would not be inappropriate development and there would be no adverse effect on Green Belt openness. In addition, no adverse harm has been identified with regards to light pollution nor the living conditions of neighbouring occupiers. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
21. The appeal scheme would make efficient use of previously developed land. These matters weigh modestly in favour of the proposal.

Planning Balance and Conclusion

22. It is put to me that the Council are currently unable to demonstrate an adequate five year housing land supply. The Council have not provided any comment on this matter. In these circumstances, paragraph 11(d) indicates

that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

23. However, even if I were minded to accept that the tilted balance could be triggered in instances whereby holiday accommodation is proposed as opposed to the provision of housing, I have concluded that there would be an adverse impact upon the character and appearance of the area including landscape character and that the appeal scheme has failed to demonstrate that there would be no adverse impact on highway safety and the living conditions of future occupants of the accommodation with regards to noise and disturbance. These adverse impacts very clearly amount to matters that significantly and demonstrably outweigh the modest benefits of the appeal scheme, when assessed against the Framework taken as a whole.
24. There are no material considerations, either individually or collectively, of sufficient weight or importance that indicate determination of the appeal should be other than in accordance with the development plan.
25. For the reasons given above I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR