



Appeal Decision

Site visit made on 18 August 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2023

Appeal Ref: APP/G2245/W/22/3312527

Land West of 64 London Road, Farningham, Kent DA4 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms Annette Gugas against the decision of Sevenoaks District Council.
 - The application Ref 22/02753/PIP, dated 29 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is infill dwellings with a minimum of 1 or maximum of 2 net dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 2 dwellings at Land West of 64 London Road, Farningham, Kent, DA4 0JP in accordance with the terms of the application, Ref 22/02753/PIP, dated 29 September 2022.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage establishes whether a site is suitable in principle whilst the second stage involves assessing the detailed development proposals. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are then considered as part of a subsequent Technical Details Consent application should permission in principle be granted. I have determined the appeal accordingly.
4. Given the limited scope of the application, I have treated the submitted site and location plan indicating the potential layout of up to two dwellings on the site as being for illustrative purposes only.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular reference to:
 - whether the proposal would be inappropriate development in the Green Belt;

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- the effect on the openness of the Green Belt; and
- if the proposal is inappropriate, 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 proposal.

Reasons

Whether inappropriate development

6. The National Planning Policy Framework (the Framework) 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, subject to several exceptions as set out in paragraph 149, including limited infilling in villages.
7. The Framework does not define the term, as a whole or in parts, of limited infilling in a village, including in respect of the relationship of a site to a defined settlement boundary. Whilst there is no dispute between the main parties that Farningham is a village, disagreement as to whether the appeal site is located in the village and if the proposed development would be limited infilling exists.
8. No specific development plan policies are highlighted in the reason for refusal. However, my attention has been drawn to the Council's Supplementary Planning Document: Development in the Green Belt (the SPD). This identifies that where a Green Belt boundary has been defined, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to a more loose-knit development. In addition, the SPD states that where the change of character is not apparent between the defined settlement and development within the adjoining Green Belt, there may be circumstances where infill development is appropriate, provided the purposes of the Green Belt would not be compromised.
9. The appeal site is located between the end of a row of terraced houses with long narrow plots and a larger property known as Aunty Carole's, comprising residential development plus boarding kennels and cattery. Further dwellings, set within more substantial gardens, are located to the rear. Consequently, the proposed residential land use, as recognised by the Council, would be compatible with the surroundings of the appeal site.
10. The frontages of the terraced houses are sited at a slight angle to the highway and staggered, comprising three pairs of dwellings. The domestic frontage features located along London Road extend beyond the terraced houses, including the close board fence along the front of the appeal site and the rendered wall along the wide front boundary of Aunty Carole's. This creates a substantially unbroken built-form feature which is accentuated by the rising topography of London Road towards its junction with the A20 Main Road (the A20), even though the appeal site is currently free from built form. Furthermore, the elevated siting of the dwelling at Aunty Carole's, visible above the existing landscape features along the boundary with the appeal site, punctuates the end of the village when viewed from the A20.

11. Although there are differences between the pattern of development comprising the ribbon form of terraced houses and the more loose-knit development of Aunty Carole's and behind the appeal site, this change is just one element that contributes to the character of the area. Surrounding the appeal site, other elements of built form combine, including the domestic frontage features, the angle of the adjacent terraced properties relative to the appeal site, the rising topography and the elevated siting of buildings visible along London Road and the A20. Consequently, despite being located outside a defined settlement boundary, overall, it is my planning judgement that the appeal site forms part of the village.
12. In terms of limited infill development, the SPD also stipulates that this is the completion of an otherwise substantially built-up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only. The SPD further defines a substantially built-up frontage as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene. Although described by the Council as modestly sized, the proposed development comprises up to two dwellings which the Council also refers to as an efficient use of land. Notwithstanding the currently undeveloped nature of the site, I have already concluded that a substantially unbroken built form feature exists and there are several dwellings visible in the street scene. Regardless, whilst providing further detail to development plan policies, the SPD is not part of the plan. Consequently, I conclude that the proposed development would constitute limited infilling.
13. My attention has been drawn to a previous appeal decision² on the site where the Inspector concluded that development proposals comprising one dwelling would be inappropriate development and cause harm to the openness of the Green Belt. Since this previous appeal decision, significant changes have been made to national and local plan policies. Additionally, cases determined by the court of appeal³ have concluded that the boundary of a village defined in a local plan may not be determinative in decisions such as this and that Inspectors should have regard to the situation on the ground as well as any relevant policies. Further, such a planning judgement is likely to take into account several factors including the nature and size of the development, the location of the site and its relationship to other, existing development.
14. Based on the evidence before me, further built form has been constructed and there has been an increase in activity and use of Aunty Carole's since the previous appeal decision. Whilst these may not be considered significant to the Council, they are part of the current situation on the ground, and I have determined the appeal accordingly. Therefore, whilst I have taken the previous Inspector's finding into account in my decision nevertheless, I have reached my conclusions based on the specific circumstances of the case before me and my observations during my site visit.
15. Overall, based on the situation on the ground, it is my planning judgement that the appeal site forms part of the village, irrespective of its distance away from the settlement boundary of Farningham, and the proposed development amounts to limited infilling. Consequently, I conclude that the proposed

² Appeal ref: APP/G2245/A/08/2068152 dated 19 August 2008

³ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 95 and *R (Tate) v Northumberland County Council* [2018] EWCA Civ 1519

development would not be inappropriate development in the Green Belt, and meets the relevant exception set out at paragraph 149 of the Framework.

16. As a result, I do not need to assess the impact of the proposed development on the openness of the Green Belt as it has already implicitly been taken into account in the limited infilling in a village exception.

Other Matters

17. I note that the appeal site is located within an Area of Outstanding Natural Beauty (the AONB). Therefore, in determining the appeal I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the natural beauty of the area where relevant to the scope of the application. Further, the AONB has the highest status of protection concerning these issues, reflecting the statutory purpose of the AONB. Given the relationship of the site to existing built form, its proximity to the A20 and the limited scale of development proposed, the principle of residential development on the appeal site would conserve the natural beauty of the AONB.
18. Whilst the boundary of the Farningham Conservation Area (the FCA) is located close to the appeal site, at No 44 London Road, the appeal site is visible only from a very small section of the green space alongside London Road. Given this separation and the limited views between the site and the FCA, the principle of residential development on the site would not harm the heritage asset.
19. Representations have been made by several interested parties, including Farningham Parish Council, relating to highway safety, on-street parking, public transport provision, the living conditions of existing occupiers adjacent to the site, noise and the detailed design of the proposed development. However, as these matters fall outside the scope of this first stage of the permission in principle process these are not determinative in the appeal. Similarly, matters raised by statutory consultees relating to contamination, ecology, archaeology, air quality and the presence of a gas pipeline would be addressed during the second stage of the process. Concerns regarding the lack of notification of the application fall outside the remit of the appeal.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR