
Appeal Decision

Site visit made on 3 October 2024

by Jennifer Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/K2230/W/23/3336159

Starwood, Pear Tree Lane, Shorne, Gravesend, Kent DA12 3JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by T Russell against the decision of Gravesham Borough Council.
 - The application Ref is 20230942.
 - The development proposed is demolition of existing stables and removal of containers and hardsurfacing and conversion of existing concrete framed structure to form detached bungalow with three bedrooms plus single storey rear extension, front porch and use of existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and Framework, including the effect on openness and purposes of the Green Belt;
 - 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

Green Belt

3. GLPCS Policy CS02 confirms that proposals will only be acceptable where they are compatible with national policies for protecting the Green Belt and policies in the GLPCS. The Council's reason for refusal does not refer to any additional policies beyond those referenced in this decision. The Framework identifies at paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed.
4. The parties are not in dispute that the proposed development would constitute the redevelopment of previously developed land. However, the exception at paragraph 154 g) of the Framework, is subject to it not having a greater impact on the openness of the Green Belt than the existing development. Nor

does the Council dispute that with the removal of the existing structures on site, there would be a reduction in both the gross external area and volume of structures of approximately one third.

5. However, openness has a visual component as well as a spatial one. The existing barn structure occupies a prominent position in the garden and is open-sided. This substantially reduces its effect on the visual openness of the Green Belt by providing a structure that can be largely seen through. This would not be the case for the proposed dwelling which would be of solid construction and would result in a loss of visual openness. This adverse effect would not be mitigated by the removal of the other structures within the site. These are more discretely sited along the boundary of the property. Although considerable in scale, they are not inherently uncharacteristic of a large rural garden. Their removal would not, in visual terms, mitigate the loss of visual openness that would arise from the works necessary to the currently open-sided barn structure to convert it to a dwelling. The access is existing, as is the hardstanding. However, their use is related to the existing dwelling. The activity from an additional household, and the associated visual clutter that would arise from the addition of the domestic paraphernalia common to dwellings would further exacerbate the adverse effect on openness.
6. The proposed dwelling would be sited to the rear of the existing dwelling. It would be lower in height than it and the site gently drops from the existing dwelling to the appeal site. However, this would not affect my conclusion with respect to openness which is not assessed purely on the basis of visibility from public locations or by comparison of the proposal to existing development. It may be that the existing site benefits from permitted development rights, however there is no evidence before me of a realistic fallback position as to their use. Nor is there any compelling evidence before me to demonstrate that the removal of permitted development rights would be justified and would outweigh the harm to the openness of the Green Belt I have identified.
7. Infill development is commonly understood to involve development between existing development. The site lies clearly to the rear of the existing dwelling and is bounded by open and wooded land other than to the neighbouring property. While there is some development deep into other plots along Pear Tree Lane, the separation provided by the scale of the plots is such that the site does not appear integrated with the existing built form. The proposal would therefore not constitute infill development. However, even if it did, it would still fail to meet the exceptions set out in paragraph 154 g) of the Framework due to the adverse effect on openness I have identified above. The appellant has accepted that the exception set out in paragraph 154 e) of the Framework would not apply to the proposed development and I have no reason to find otherwise.
8. Paragraph 143 of the Framework sets out the five purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. The proposal is for the conversion of an existing structure within an existing residential garden. The residential plots are clearly distinct from the surrounding countryside and in a number of them development is set further back and away from the road. Consequently, the proposal would not result in encroachment into the countryside in Green Belt terms. There would not be harm to the purposes of the Green Belt, rendering this a neutral factor in the determination of this appeal.

9. For these reasons, when considered as a whole, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in paragraph 154 of the Framework. Consequently, it would also be contrary to Gravesham Local Plan Core Strategy (2014) (GLPCS) Policy CS02 which only supports development outside of settlements where it would be compatible with national policies for protecting the Green Belt. Paragraph 152 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. The reason for refusal refers to GLPCS Policy CS01 which sets out a commitment to pursuing sustainable development, having regard to the principles in Government guidance. It contains wording similar to that of the National Planning Policy Framework (the Framework) and a previous iteration thereof. I have therefore taken these policies into account in my planning balance where I consider the proposal in light of the advice in paragraph 11 of the Framework.

Other Considerations

11. The Council has not raised any concerns with regard to the effect of the proposed development on protected species or with the findings of the submitted Preliminary Ecological Appraisal. I have no reason to disagree with this conclusion. The design of the proposed dwelling would be acceptable and would provide appropriate living conditions for future occupiers. There would not be an adverse effect on the living conditions of surrounding occupiers. As referenced above, development along Pear Tree Lane occupies differing positions within the substantial plots. The proposal would therefore not be inherently at odds with the prevailing character and appearance of the area. There is an existing access to serve the development which would allow vehicles to enter and leave the site in a forward gear. I have no reason to think the traffic generated by a single dwelling would have an adverse effect on highway safety. A landscaping scheme could be secured by condition, however suitable landscaping involving native species is to be expected of any well designed development. These considerations would amount to a lack of harm and would therefore be neutral.
12. The siting of an additional dwelling in this location would not result in a meaningful increase in housing density. Nor would the siting of a dwelling in this location result in a materially more effective use of land which is not necessarily being under-utilised. There is no mechanism before me to ensure that the dwelling would be occupied by a household currently under-occupying an existing family dwelling.
13. The appellant compares the appeal proposal to a previous scheme for this site. I have been directed to another decision¹ by the Council where a dwelling was allowed using the exception cited in this case. I have also been directed to another appeal decision² in a nearby authority. However, I do not have full details of those cases before me. I have considered this appeal on its own planning merits and the specific circumstances of its location in the Green Belt. These are unlikely to be precisely identical.

¹ 20200947

² APP/G2245/W/19/3236750 allowed 27 December 2019

14. There would be a benefit arising from the delivery of an additional market dwelling. As the Council only demonstrates a 2.9 year supply of housing land, I attach moderate weight to the delivery of a single dwelling. There would be economic benefits arising during the construction and occupation stages of the development. Biodiversity net gain could be secured by condition. However as a scheme for a single dwelling, these benefits would be limited.

Other Matters

15. The site is located within the zone of influence for the Thames Estuary and Marshes Special Protection Area (SPA) which is subject to pressure from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats sites. However given my findings on the case overall, no pathways to significant adverse effects on habitats sites would arise from my decision. A finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.

Green Belt Balance

16. I have found that the proposal would constitute inappropriate development in the Green Belt and paragraph 148 of the Framework states that substantial weight should be given to this. The Framework clarifies that inappropriate development should only be permitted in very special circumstances and that such will not exist unless the potential harm to the Green Belt is by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
17. There would be a moderate benefit from the delivery of an additional dwelling and limited benefits from the economic activity and biodiversity net gains that would arise from the development. The other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance

18. It is not in dispute that the Council cannot demonstrate a deliverable supply of five year housing land, with the evidence before me indicating a supply of 2.9 years. In such cases, paragraph 11d of the Framework is engaged. My finding in respect of the Green Belt and lack of very special circumstances means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development. This also reflects GLPCS Policy CS01.

Conclusion

19. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Downs
INSPECTOR