



Appeal Decision

Site visit made on 4 November 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Appeal Ref: APP/T2215/W/24/3340135

Land known as Harlands, Highcross Road, Southfleet, Kent DA13 9PH

- 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 Mr L Clarke against the decision of Dartford Borough Council.
 - The application Ref is DA/23/01285/FUL.
 - The development proposed is the demolition of a range of existing buildings and the erection of a single-storey dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development within the application form refers to the proposal being a resubmission of a previous scheme. The resubmission of a proposal is not an act of development under Section 55 of the Town and Country Planning Act 1990 and so I have not included this within the description above.
3. On 22 April 2024, the Council adopted the Dartford Local Plan to 2037 (LP), which supersedes the Dartford Core Strategy 2011 and the Dartford Development Policies Plan 2017 and now forms part of the statutory development plan. Policies CS1, CS10, CS13, DP2, DP6, DP22 and DP25, as referred to on the decision notice, are therefore no longer relevant. Policies S5, M1, M2, M5, M6, M9, M10, M12 and M14 of the LP are, however, relevant and the appellant has had an opportunity to comment on these.
4. The appellant has submitted an Arboricultural Report dated 19 September 2023. I am mindful of the advice in the Planning Inspectorate's 'Procedural Guidance: Planning Appeals England', that at this stage no new evidence is allowed. This is because the other parties may not have had the opportunity to comment on it.
5. Nevertheless, I consider the proposal before me, is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the Arboricultural Report.
6. The appellant has also submitted a Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate. The Council has

had the opportunity to comment on this submission and confirmed that they no longer wish to defend this reason for refusal.

Main Issues

7. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
- the effect of the proposed development on the character and appearance of the area, including the Westwood Area of Special Conservation (ASC);
- whether the site is a suitable location for housing having regard to development plan policy and accessibility to services and facilities;
- whether the proposal would preserve or enhance the setting of the Grade II listed building, Ivy House¹;
- the effect of the proposed development on highway safety; and
- if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

8. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
9. The appeal site is accessed from Highcross Road and is part of a larger parcel of land. There are several existing buildings and structures at the site, which are primarily arranged close to the side and rear boundaries. Beyond the rear of the site, the land is typically open and undeveloped. The front part of the site is located between residential properties fronting Highcross Road. There is no dispute between the parties that the site comprises previously developed land.
10. Policy M12 of the LP states that inappropriate development will be resisted in accordance with national planning policy. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
11. The existing buildings and structures at the site are each of a limited scale and are primarily positioned close to the side boundary away from Highcross Road. A row of outbuildings finished with corrugated sheeting extends along the

¹ List Entry Number: 1085823

boundary close to the access from Highcross Road and is visible from the road. Nevertheless, the position and typically small scale of the existing development limits the effect on the openness of the Green Belt.

12. The proposal is for a single-storey dwelling towards the front of the site. Several of the existing buildings and structures at the site would be removed, including the larger barn and sheds towards the front of the site. The dwelling would have a smaller footprint than that of the buildings and structures to be removed. Moreover, the proposal would result in a limited reduction in the volume of built form at the site leading to a modest increase in the spatial openness of the Green Belt.
13. While set back further from Highcross Road than the existing outbuildings, the position of the dwelling towards the centre of the site would make it clearly visible from the road. The visual intrusion would be emphasised by the position of the dwelling on elevated land and the larger scale and mass of the building. Furthermore, the proposal would result in increased activity, particularly at the front of the site, and pressure for domestic paraphernalia across the site.
14. The site is visually contained to either side by mature trees and hedges. Consequently, the level of harm to the visual openness of the Green Belt would be limited. Nevertheless, the proposal would have a greater impact on the openness than the existing development given the its scale and residential nature.
15. For these reasons, I find that the proposal would fail to meet the requirements of Paragraph 154 e) and g) of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. The development would also conflict with Policy M12 of the LP, which states that inappropriate development will be resisted in accordance with national planning policy.

Character and appearance

16. The appeal site is located to one side of Highcross Road, where development is typically set forward fronting the highway. Part of the site is within the ASC, a non-designated heritage asset. Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy M6 of the LP reflects this approach.
17. While there is a large employment site in the vicinity of the site, this is largely to the rear of development fronting Highcross Road. The loose pattern of development, interspersed with mature trees and hedges to the side of the road, gives the area a generally rural character. The narrow frontage of the site, in addition to the scale and position of the existing buildings, limits the contribution that the site makes to the rural character of the area, including the ASC.
18. The proposed dwelling would be set back from the road and would include an area of hardstanding and a garden. However, the proposal would urbanise the

site due to the residential nature of the proposal. The development would have a greater visual impact than the existing buildings when viewed from Highcross Road due to the scale of the dwelling and its elevated position in relation to Highcross Road. While the existing boundary planting to the front part of the site would limit the visual intrusion of the dwelling, due to the scale and elevated position of the dwelling, the proposal would be a harmfully intrusive addition to the area.

19. The proposal may lead to a greater potential for light pollution given the more intensive use of the site. In addition, the enclosure of the curtilage of the dwelling would reduce the existing open character. However, given the scale of the proposal and the position of the site close to other residential properties, the development would not diminish the overall rural character of the area. Moreover, the provision of external lighting and appropriate boundary treatments could be controlled by an appropriately worded condition if I am minded to allow the appeal.
20. I conclude that the proposal would harm the character and appearance of the area, including the ASC. The development would therefore conflict with Policies M1, M6, M12, M14 of the LP, which require development to respond to, reinforce and enhance positive aspects of the locality; be designed and laid out in a way which is sympathetic to their landscape setting; and require consideration of the impact on visual amenity or character.

Suitable location

21. Policy S5 of the LP sets out that in other locations than those set out in section 1 of the policy, residential development will be supported where the benefits of the proposal outweigh the disbenefits, including the sustainability of the site's location.
22. The site is detached from the nearest settlements and is remote from everyday services and facilities. Paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, there is a lack of suitable footways and street lighting, which may discourage walking and cycling. In addition, there is no indication as to the proximity of any bus stops to the site or the service provision available. Accordingly, the likelihood is that future occupiers would be highly reliant on private vehicles to access facilities and services in larger settlements.
23. The appeal scheme would provide one dwelling, making a positive contribution to housing supply and delivery within the Borough. There would also be associated social and economic benefits during the period of construction and once the dwelling is occupied. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. However, the contribution of one dwelling to meeting housing need in the Borough and the associated benefits would be restricted by the scale of the development proposed.
24. I find that the proposal would not be a suitable location for housing having regard to development plan policy and accessibility to services and facilities. The development therefore conflicts with Policy S5 of the LP, as set out above.

Listed building

25. Ivy House is a two-storey dwelling to the side of the appeal site and is a Grade II listed building. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting.
26. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
27. The listed building is of 18th Century origin and comprises a two-storey building finished with red and grey brick beneath a tiled roof. Its significance is derived from its architectural and historic interest. The heritage asset is primarily appreciated from Highcross Road where glimpsed views are provided through the hedge and mature trees forming the front boundary and at the access. The listed building is set within extensive grounds and contributes positively to its spacious and verdant setting.
28. The appeal site is adjacent to the side boundary of Ivy House, close to its existing access formed by metal gates flanked by high brick piers. The side of the listed building, including a single-storey element to the side of the main two-storey part, is fleetingly visible from Highcross Road to the front of the access. The existing boundary hedge and access separates the site from the listed building and limits intervisibility. The existing development at the site has a primarily low height and a rural character relating to the site's countryside location. Nonetheless, the contribution that the site makes to the setting of Ivy House is limited by the design, position and material finish of the existing buildings.
29. The proposed dwelling would be separated from Ivy House by intervening features, including the hedge forming the shared boundary and the entrance gates and parking area. The development would be visible from Highcross Road and the garden of Ivy House but would be discreet in views towards the listed building due to its position within the site. The scheme would change the character of the site and introduce a more intensive use, which would be apparent to the front of the site. However, the proposal would not impact on the views of the heritage asset that primarily allow the building's architectural and historic interest to be appreciated. Accordingly, the proposal would not harm the significance of Ivy House.
30. I conclude that the proposal would preserve the special interest of the listed building. The development therefore accords with Policies M1, M5 and M6 of the LP, which collectively require that appropriate regard is had to heritage assets, which are to be conserved in a manner appropriate to their significance, and require that proposals contribute to the conservation and enjoyment of the Borough's historic environment. This is consistent with the Framework, which requires that great weight should be given to the asset's conservation.

Highway safety

31. The proposed dwelling would use the existing access to the site. The proposal includes two car parking spaces within an attached garage and an area of hardstanding to allow vehicles to manoeuvre within the site.

32. The proposal has not included specific details in respect of the provision of cycle and refuse storage facilities and vehicle tracking. Nevertheless, given the size of the site, there is space to provide an area for vehicles to manoeuvre within the site and to enter and exit in a forward gear. Moreover, there is scope within the site to provide suitable facilities for cycle and refuse storage. Such details could be secured by condition if I am minded to allow the appeal.
33. I conclude that the proposal would not have an unacceptable on highway safety. The development therefore accords with Policy M1 of the LP, which requires that development must be shown to be suitable in terms of, amongst other things, its access. This is consistent with the Framework, which requires that safe and suitable access to the site can be achieved for all users.

Other considerations

34. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
35. The development would result in the removal of existing buildings and structures, including those to the rear of the site. This would reduce the spread of development within the wider site and would represent a modest enhancement to the rear of the site. However, the small scale of the buildings and their discreet position in relation to Highcross Road limits the benefits that their removal would bring. Accordingly, and given my findings in respect of the openness of the Green Belt, I attribute limited weight to this consideration.
36. The proposal is an amended scheme to a previous proposal following discussions with the Council. While pre-application advice is a useful tool to enable an early understanding of the likely site constraints of a proposal, this is not a guarantee of planning permission. Moreover, this does not affect the material planning considerations of the case. Consequently, the weight I can afford to this consideration is limited.
37. For these reasons, I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would conflict with Policy M12 of the CS and with the Framework, which seeks to protect the Green Belt from harm.

Conclusion

38. The proposal conflicts with the development plan. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR