Appeal Decision

Site visit made on 24 January 2025

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2025

Appeal Ref: APP/T2215/W/24/3354290
Newington Farm, Arnolds Lane, Sutton at Hone, Kent DA4 9HE

- 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 Mrs T Whybrow against the decision of Dartford Borough Council.
- The application Ref. is DA/23/01073/FUL.
- The development proposed is for part demolition and part conversion of existing agricultural buildings to form 4 residential dwellings consisting of 2 x 2 bed, 1 x three bed and 1 x four bed units, together with associated car parking, cycle storage, bin storage facilities and landscaping/ecological enhancements.

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 having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and any resultant effects on openness;

• the impact on the living conditions for future occupiers with regard to light, outlook and external amenity space;

• the impact on the character and appearance of the area;

• whether any harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development and effects on openness

3. The appeal site relates to a group of low-level buildings accessed by a track from the north side of Arnolds Lane. The surrounding area is mainly rural in nature and comprises open fields and paddocks.

4. Paragraph 142 of the Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence.

5. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. This is subject to certain exceptions, which include at paragraph 154 (c) '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'; (g) 'limited infilling or the partial or complete redevelopment of previously developed land'; and (h) iv. 'the re-use of buildings provided that the buildings are of permanent and substantial construction'.

6. Policy M12 of the Dartford Local Plan April 2024 (DP) sets out the Council's approach to the assessment of proposals in the Green Belt. This policy is broadly consistent with the Framework.

7. In addition, paragraph 143 of the Framework advocates that the Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8. Paragraph 155 states the development of homes should not be regarded as inappropriate where (a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157. For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

Whether disproportionate

9. The proposed conversion of Unit 4 includes an increase in roof height of some 700mm; there is nothing before me to suggest that this building has previously been extended and so is original. I have not been provided with a calculation from either of the main parties to indicate the volume increase over and above the original building, but to my mind this is likely to be relatively modest. I am informed that no other extensions are intended.

10. Judging the scheme in accordance with Policy M12, I consider that the extension would not amount to a disproportionate addition over and above the size of the original building. This part of the proposal would not represent inappropriate development within the Green Belt, and would therefore benefit from the exception in paragraph 154 (c) of the Framework.

Whether limited infilling or previously developed land

11. The siting of the new dwellings would be to the rear of those fronting Arnolds Lane, this positioning would not reflect the general layout of properties in the area and would not fill any clear gap between existing development. Therefore, the proposal would not comprise limited infilling.

12. The definition of previously developed land in the Framework refers to land which has been lawfully developed and is or was occupied by a permanent structure, including the curtilage, although it excludes land that is occupied by agricultural buildings.

13. Evidence from the main parties is inconclusive as to the lawful use; the appellant avers that it has "historically been used for both the storage of equipment and machinery for maintaining the land and also equipment to assist in the keeping of horses". Whereas the Council argues that "the site might be best described as a mixed use including equestrian stabling and agricultural storage".

14. In the absence of a lawful development certificate I cannot be satisfied that the site comprises previously developed land. Within the context of this appeal under section 78 of the Act, it is not my remit to formally determine the lawful use of the structures. If the appellant wishes to ascertain their lawful use, an application can be made under section 191 of the Act. The proposal would not therefore benefit from the exception in paragraph 154 (g) of the Framework.

Whether re-use

15. There does not appear to be any dispute that the buildings are of permanent and substantial construction. However, paragraph 154 (h) of the Framework provides that the appeal scheme would be inappropriate in this regard unless it preserved the openness of the Green Belt and would not conflict with the purposes of including land within it.

16. The development associated with the re-use would result in an increase in hardstanding across parts of the site to provide for parking and manoeuvring, which would have an urbanising effect above and over the current situation. Whilst the sandschool would be removed, it would be replaced with the rear garden to unit 6. The block plan indicates that this would be bordered by fencing, which is to be expected for preserve privacy for future occupants. However, such boundary treatment would be prominent and visible along the driveway from Arnolds Lane, to the detriment of openness.

17. Moreover, in the absence of any details regarding current vehicular trips to and from Newington Farm, the dwellings would be likely to intensify the use of the site, such as through additional vehicle movements. The proposal would consequently have a greater adverse impact on the openness of the Green Belt than the existing development. The proposal would not therefore benefit from the exception in paragraph 154 (h) iv. of the Framework.

Grey belt and other tests (Framework paragraphs 155(a)-(d))

18. The proposed development would be contained within the existing boundary of Newington Farm, which already comprises various buildings and associated infrastructure such as a driveway and hardstanding. In my view, it would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. I therefore find that the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). The proposal would therefore utilise grey belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the planning authority's area. Consequently, the proposal would comply with paragraph 155 (a).

19. The Council states that it can demonstrate a five-year supply of housing, and this is not disputed by the appellant. For the purposes of criterion (b) of Framework paragraph 155, there is no unmet need for the type of development proposed.

20. The appeal site is situated in an area designated, in policy terms, as countryside. With regard to access to local services and facilities by sustainable transport modes, the appellant states that the nearest bus stops are at Sutton Corner, which are some 450 metres away. The village of Sutton at Hone is further afield along the A225, and has a primary school, take-aways, shops, pubs and dental surgery.

21. To my mind, the site is some distance from bus stops and the centre of Sutton on Hone where many of the other local services and facilities are situated. Whilst I acknowledge that it would be possible to walk to the bus stops or cycle to the village, the journey would only appear to be practical via Arnolds Lane, which is a country thoroughfare that has no street lighting; together with the long access drive to reach the new dwellings, this would not encourage walking or cycling, particularly at night or during inclement weather.

22. Therefore I consider that the location of the site would not provide a realistic prospect for travelling to and from local services and facilities and I find that future occupiers of the proposed dwelling would be highly reliant on the private car. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. This would be contrary to the core principles of the Framework that seeks to actively manage patterns of grown to make the fullest possible use of public transport, walking and cycling.

23. Paragraph 83 of the the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, the contribution four additional dwellings and their occupants would make to the vitality of the rural community would be small. Consequently, whilst the development would make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.

24. I acknowledge that the appeal plot already accommodates an existing use. Nonetheless, I have not been provided with any information that compares the number of trips between the current and proposed uses, or demonstrates that vehicular movements generated by the new development would not significantly exceed those which might already occur. As such, I am drawn to conclude that the proposal would not provide a suitable location for new housing as required by paragraph 155 (c) of the Framework.

25. The appeal scheme is not major development, and therefore the requirement of criterion (d) of Framework paragraph 155 to satisfy the ‘Golden Rules’ are not applicable.

26. The proposal would therefore fail criteria (b) and (c) of paragraph 155 of the Framework. Taken together with my findings under paragraph 154, the scheme would constitute inappropriate development within the Green Belt and have a deleterious effect on openness. It remains to establish whether the appeal scheme would result in any other harm, and then have regard to other considerations, so that a balancing exercise can be undertaken to determine whether very special circumstances exist.

Living conditions

27. The private garden areas of units 3 and 4 would have limited separation between the dwellings and the boundaries of the site; they are the hallmarks of being an afterthought rather than carefully designed and well-integrated amenity areas. Their elongated shape and extent would have a significantly limiting effect on the usability and function of each of the gardens.

28. I acknowledge that Unit 1 has a narrow swathe of garden to the east, however the amenity area wraps around to the south where it opens out into a larger and better-proportioned parcel of amenity space. On balance I consider that this would represent adequate provision for future occupiers of the dwelling.

29. Some bedroom windows of units 1 and 3 would face east. I have no details of proposed boundary treatments, however the adjacent land is an open field and a condition could ensure that any fencing is low level or lightweight in nature to allow for acceptable levels of outlook. I am also mindful that the primary use of the rooms is for sleeping and there would be sufficient opportunity for future occupants to seek light and outlook elsewhere in the living areas of the units. Overall, I consider that the proposed window locations would not be sufficiently unsatisfactory as to warrant a refusal of permission on this ground.

30. In conclusion on this matter, the scheme would provide insufficient external amenity space for future occupants, contrary to the provisions of policies M1, M9 and M10 of the DP.

Character and appearance

31. The existing and proposed site plans demonstrate that there would be an increase in hardstanding across parts of the site to provide for parking and manoeuvring. In my view it would appear over-engineered, with a large and prominent turning area at the head of the driveway that would represent a discordant feature within the context of the local landscape. As explained above, the removal of the sandschool would not offset the removal of hardstanding, as it would be replaced by prominent and intrusive boundary treatment to enclose the rear garden of unit 6.

32. The converted dwellings themselves would be of a similar scale to the current buildings, with only unit 1 having a slight increased in its roof height. To my mind, the design and external materials would reflect their rural location, and their layout would not be overly prominent from the wider area. Whilst I appreciate that the introduction of a residential use would alter the character of the site, there are other domestic curtilages immediately adjacent to the land. Moreover, the limited nature of the proposed residential curtilages would not result in adverse impacts upon the local environs, and appropriate boundary planting would provide further screening.

33. I find that whilst the converted buildings and curtilages would be acceptable, the extent of hardscaping would be deleterious to the character and appearance of the site and surrounds. This would contravene Policies M1 and M10 of the DP, which expect new development to be of a high-quality design that reflects and respects the existing character, setting and local context.

Other considerations

34. I acknowledge that the development would result in the provision of 4 additional housing units, including small units and single storey accessibility, within an area of restraint, which would assist in maintaining the vitality of rural communities. Also access would be formed for future occupants to a shared, wildflower meadow within the centre of the development. However, these matters do not outweigh the harm I have identified above.

Green Belt Balance

35. According to paragraph 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.

36. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

37. Having regard to the above and all other matters raised, I dismiss the appeal.

C Hall

INSPECTOR