



Appeal Decision

Site visit made on 26 February 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/T2215/W/24/3351347

Lanes Farm, Park Corner Road, Southfleet, Kent DA13 9LS

- 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 J De Clerk against the decision of Dartford Borough Council.
 - The application Ref is DA/24/00604/FUL.
 - The development proposed is conversion of an existing stable building to a dwelling including the erection of a single-storey extension and provision of parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area.
 - Whether the site would be a suitable location for housing with particular regard to accessibility.
 - 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

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. Development in the Green Belt is inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in the Framework. This is broadly echoed by policy M12 of The Dartford Plan (2024) (DP).

4. Of relevance to this appeal, paragraph 154g) of the Framework provides an exception for limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. Furthermore, paragraph 154h iv) provides for the re-use of buildings provided that the buildings are of permanent and substantial construction and they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
5. There is no dispute between the parties that the appeal site is previously developed land and would re-use a building of permanent and substantial construction. Therefore, I will go on to consider the effects on openness.

Openness

6. Openness has both spatial and visual dimensions. The site is in equestrian use and the existing stables and associated sandschool and informal parking area are characteristic of this typical countryside use. The appeal scheme proposes domestic use across the whole site including alterations to fenestration, residential gardens, the introduction of hedges and post and rail fencing as boundary treatment, refuse storage and domestic car and cycle parking. Additionally, the proposed development includes a single storey extension to the side of the existing building.
7. A public footpath runs along the boundary of Lanes Farm. I understand that there is planting along this boundary which would grow to provide some screening. However this is unlikely to obscure the proposed development on a permanent basis and at present the building is clearly visible from the section of path that runs along the boundary of Lanes Farm. Furthermore, although there is mature planting to some existing boundaries the proposed house and garden are likely to be seen from the surrounding residential properties.
8. The proposed development would result in an evidently residential use to the appeal site including the domestic paraphernalia outlined above. Whilst the removal of permitted development rights may prevent the construction of buildings such as sheds, this would not prevent domestic items like garden furniture, play equipment or clothes drying which are reasonably associated with a two bedroom property. Furthermore, the residential property would be lit at night, with light emitting from windows. The introduction of boundary hedgerow would provide some screening, however it would not completely restrict views into the site. All these factors would result in clear harm to the openness of the Green Belt.
9. In addition, the proposed development would increase the scale and mass of the residential building. This would introduce development on a part of the site which is currently free from built form. Due to the visibility of the site described above, this harm would be experienced. Taken together, the proposed development would therefore result in harm to both spatial and visual openness and in combination this harm would be substantial.
10. Paragraph 154c) states that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. However, given my findings above, the re-use of the building would not preserve the openness of the Green Belt. As such,

there is no need to go on to consider whether the proposed extension would meet this exception.

11. Therefore, for the reasons above, the proposed development would result in substantial harm to the openness of the Green Belt and would be contrary to the Framework in this regard. As such, it would not come under the exceptions in paragraph 154h iv) or 154g) and consequently would be inappropriate development in terms of the Framework and Policy M12 of the DP.

Character and appearance

12. The wider area is characterised by rows of housing fronting the road, with surrounding open land and fields resulting in a countryside character. The appeal site is in equestrian use with a stables, sand school and an area for car parking. It appears separate from the residential garden at the host property and clearly set away from the frontage rows of housing. Although these elements, including the sand school, are visible in the surrounding area, their use and appearance are appropriate to this countryside location. Taking all the above into account the rural characteristics and appearance of the appeal site make a positive contribution to the surrounding countryside land.
13. The proposed development would introduce a residential property, domestic gardens and paraphernalia and associated activity to this site as set out above. This would result in a clearly residential appearance across the whole site. Even taking into account the increased grassed area through the removal of the sandschool, overall the urbanising nature and extent of the development proposed would harmfully undermine the rural characteristics of this location.
14. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, it would be contrary to Policy M1 of the DP which requires good design including responding to the positive aspects of the locality.

Accessibility

15. There are no services or facilities within 800m of the appeal site. Therefore, occupants would need to travel to meet their day to day needs. The closest bus stop to the proposed dwelling would be 260m away. However the service is infrequent and does not run on Sundays and would therefore not provide a realistic alternative to travel by private vehicle. Furthermore, the roads around Betsham are mainly unlit, narrow roads and would not be attractive cycling routes for most people. I have taken into account that sustainable transport solutions will vary between urban and rural areas. Nevertheless, the vast majority of trips from this site would be by private car and consequently the proposed development is not in an accessible location.
16. There is no dispute between the main parties that the proposed development would not have an unacceptable impact on highway safety, or that the impacts on the road network would be severe. Nevertheless, the appeal scheme would not direct development to sustainable locations.
17. Therefore the site would not be a suitable location for housing with particular regard to accessibility. Consequently, in this regard, it would be contrary to Policy

S5 of the DP which, in part, requires a consideration of the sustainability of the site's location

Other Considerations

Fallback

18. Planning permission has been granted for an extension to the stable block on the same scale and footprint to the extension included in the appeal scheme. This was not found to be a disproportionate addition over and above the size of the original building. However, this development was for equestrian use, and therefore did not include the additional changes to the surrounding land associated with the proposed residential use. Consequently, taking into account the conclusions above, the approved development would be less harmful to character and appearance and the openness of the Green Belt and would not raise accessibility concerns. Therefore, the appeal scheme would be more harmful than the fallback and so I attribute limited weight to this fallback position.
19. The appellant also comments that an outbuilding to the host property could be erected at a larger scale than the proposed development under permitted development. Also that 2m high fences could be erected on the site. However, these would not provide a separate dwelling. Given these clear differences between these developments and the appeal scheme, based on the submitted evidence, there would not be a real prospect of such development taking place.

Personal Circumstances

20. The proposed development would provide a single storey dwelling for an occupant with medical needs, in a quiet location in their existing community. These circumstances would prevail for the duration of the appellant's occupation of the proposed dwelling. However, I have no evidence that appropriate ground floor living accommodation could not be provided in the existing house, or elsewhere, to meet these requirements. There is little before me to suggest that the appeal proposal would be the only way to meet the particular needs of the appellant.

Other Considerations

21. There is not a demonstrable unmet need for the type of development proposed and therefore the appeal site would not be Green Belt land in the terms of the Framework's definition. The appeal scheme would provide one new dwelling. Taking into account the scale of the development this would be a positive but limited benefit. It would also include a condition to provide ecological enhancements. However, given the lack of detail at this stage the benefits in this regard would be limited.
22. Policy S5 of the DP supports housing development outside identified areas and sites where the benefits of the proposal outweigh the disbenefits, including the sustainability of the location. I have considered the accessibility of the appeal site above, and this decision will go on to undertake a balance.

Green Belt Balance

23. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There is also harm to the Green Belt due to the effect on openness. The proposed development would also not be a

suitable location for housing with regards to its accessibility and would be harmful to character and appearance. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

24. On the other hand, the proposed development would result in limited benefits associated with ecological enhancements and the provision of a new home in these circumstances. Furthermore, I have considered that the extension would provide accommodation for an occupant with medical needs. However, I am not satisfied that the proposed development would represent the only or least harmful option to provide the required accommodation. Dismissing the appeal would interfere with the appellant's private rights to enjoyment of their possessions, to family life and their home and I am mindful of the Human Rights Act 1998. I have also had due regard to the protected characteristics in this appeal for the purposes of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, including the need to eliminate discrimination and advance equal opportunity and foster good relations between those with protected characteristics and others. Nevertheless, these factors must be weighed against the wider public interest.
25. For the reasons given above, the development harms the Green Belt and has an adverse effect on character and appearance and the sustainable location of housing. I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission for the development proposed. I therefore consider that dismissing the appeal for these reasons would be a proportionate and justified outcome.
26. The other considerations outlined above do not, therefore, clearly outweigh the totality of the harm. As a result, very special circumstances to justify the development do not exist. As such, the proposed development conflicts with the Framework and Policy M12 of the DP, the aims of which are set out above.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR