



Appeal Decision

Site visit made on 8 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/T2215/W/25/3362104

Foxhounds Lane Field, Foxhounds Lane, DA13 9LH

- 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 Ronald Mulock, South East London and Kent promotions against the decision of Dartford Borough Council.
 - The application Ref is DA/24/00573/COU.
 - The development proposed is Application for temporary use of land for bootfairs on Sundays and Bank Holidays
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice provides a clearer, more concise description of development than the application form. For clarity, I have adopted the description given on the decision notice, which I note the appellant has also used in the appeal form.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2024) (the Framework) and any relevant development plan policies and its effect on openness of the Green Belt; and
 - if the appeal scheme is found to be inappropriate development, 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 scheme.

Reasons

Green Belt

4. The appeal site comprises an open, undeveloped field located in the Green Belt. It has a vehicular access from Foxhounds Lane, and is surrounded by hedging. Open land surrounds the appeal site in all directions with the exception of a single dwelling to the west and an agricultural building on the opposite side of Foxhounds Lane.
5. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the exceptions listed applies. One such exception, at

paragraph 154h) v), is a material change in the use of land, provided that it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The main parties agree that the existing use of the appeal site is agricultural. The proposal would therefore involve a temporary change of use for bootfair purposes.

6. Policy M12 of The Dartford Plan (2024) (DP) states that land which is designated as Green Belt will be protected against inappropriate development, as defined by national policy. However, the policy confirms that proposals will be permitted where they do not conflict with the exceptions listed within the policy.
7. The wording within policy M12 in relation to changes of use in the Green Belt is broadly consistent with the wording from the Framework. It is therefore necessary to assess whether the proposal would preserve the openness of the Green Belt. Openness of the Green Belt has a spatial as well as a visual aspect. 'Openness' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
8. From a visual perspective, I accept that parts of the site are somewhat screened by hedgerows fronting the public highway. The hours of operation of the bootfairs would be limited to 8am to 2pm. Notwithstanding this, the proposal would introduce visual clutter including a large number of vehicles for temporary periods during the days when the additional boot fairs would be held. The use would also involve the provision of portaloos during the duration of the event and the planning statement also references a generator for use during the bootfairs. Collectively, the introduction of these elements into an agricultural field would have a harmful effect on visual and spatial openness.
9. I note that the appeal site can be used up to 14 times per year for bootfairs under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). However, the appeal proposal would enable 14 additional bootfairs across the year. Overall, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. Given the scale of the proposal and the limited operation of the events across the year, I consider the harm to openness to be moderate.
10. Policy M12 also clarifies that, when considering changes of use, consideration will be given to the impacts on the Green Belt related to issues such as the intensification of the use of the site, and the impact of an increase in activity and disturbance resulting from the development, both on and off the site, including traffic movement, parking and noise.
11. When in use for bootfairs there would be a significant increase in cars and activity, from both sellers and buyers attending the site. Accordingly, the 14 additional bootfairs would result in an intensification in the use of the site, as well as an increase in disturbance and activity greater than would be expected as part of its current agricultural use.
12. The appellant's Statement of Case highlights paragraph 154(g) of the Framework which relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. As the appeal site

comprises an open, undeveloped field absent of any structures the site does not constitute previously developed land and so the exception under paragraph 154 g) of the Framework does not apply.

13. I accept that any change of use under the exception at Paragraph 154h) v) has the potential to erode openness to some degree. However, I find that when the spatial effects and limited visual effects of the proposal are taken together, there would be moderate harm to the openness of the Green Belt. In the context of paragraph 154h) v) of the Framework, the proposal would therefore constitute inappropriate development in the Green Belt. Paragraph 153 of the Framework states that any harm to the Green Belt should be given substantial weight.

Other considerations

14. I acknowledge that the Framework encourages the growth and expansion of businesses within rural areas, and outlines that decisions should support development that makes efficient use of land. However, I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. The Framework states that inappropriate development should not be approved except in very special circumstances.
15. The appellant indicates that the proposal would provide community benefits by encouraging people to 'get outdoors'. There would be further social benefits through creating a space for members of the community to meet, whilst enabling families to buy second hand products at affordable prices. In turn, this would have economic benefits through revenue generated for sellers. Given the scale and temporary nature of the proposal, I afford these collective benefits moderate weight.
16. The appellant indicates that bootfairs have taken place at the appeal site historically including in 2017, 2018 and 2021. However, it seems to me that these were likely to have taken place under the provisions of the GPDO. The bootfairs will be weather dependant and as such there may be fewer than 14 additional bootfairs across the year, in the event that there is inclement weather.

Green Belt Balance and Conclusion

17. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Therefore, the proposed development is contrary to Policy M12 of the DP and the principles of the Framework that seek to protect the Green Belt from inappropriate development.
18. I have found no harm in relation to any matters other than the harm to the Green Belt. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
19. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations in relation to the proposal do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

20. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR