



Appeal Decision

Site visit made on 4 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 6th January 2026

Appeal Ref: APP/K2230/W/25/3370656

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 Mr T Russell against the decision of Gravesend Borough Council.
 - The application Ref is 20250270.
 - The development proposed is Demolition of 4 No. stable buildings, 2 No. canopies and removal of 2 No. containers, 1 No. portacabin and hardsurfacing and alterations and extension to existing concrete framed structure to form detached bungalow with three bedrooms and use of existing access.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of 4 No. stable buildings, 2 No. canopies and removal of 2 No. containers, 1 No. portacabin and hardsurfacing and alterations and extension to existing concrete framed structure to form detached bungalow with three bedrooms and use of existing access at Starwood, Pear Tree Lane, Gravesend, Shorne, Kent, DA12 3JU in accordance with the terms of the application, Ref 20250270, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - the effect of the proposal on European protected sites.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site is primarily located to the rear of Starwood, a large, detached, two-storey dwelling set back a significant distance from Pear Tree Lane within a substantial plot. It is located within a ribbon of housing within the Green Belt, outside of the rural settlement of Shorne. The appeal site itself is a grassed area located behind Starwood's rear garden. It contains a number of stable buildings and metal containers, and a large barn building. The main parties agree that the appeal site is within the residential curtilage of Starwood and that the proposal constitutes the development of previously developed land.
5. Policy CS02 of the Gravesham Local Plan Core Strategy (2014) (the CS) states that development in the Green Belt will be supported where it is compatible with national policies for protecting the Green Belt as well as other policies in the plan. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 set out a number of exceptions where development is not inappropriate in the Green Belt.

Grey Belt

6. The Framework defines 'grey belt' 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, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
7. Under paragraph 155 of the Framework the development of homes in the Green Belt should not be regarded as inappropriate where specific criteria are met. The main parties agree that the appeal site is grey belt, and that the proposal complies with criteria 155 a) and b), and that d) is not applicable to the proposal. However, there is disagreement over the compliance with paragraph 155 c). This requires that the proposal would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.
8. This section of Pear Tree Lane has a rural character but, due to the presence of existing dwellings in the vicinity of the site, the proposed development would not be in an isolated location. Furthermore, Pear Tree Lane connects the site with nearby settlements including Shorne and Higham, which are classified by the Council as 2nd and 4th tier settlements.
9. Bus stops within Shorne Ridgeway are served by day-time bus services for three routes providing access to Gravesend, Meopham, Cobham and Cliffe. The bus stop is located circa 480 metres from the appeal site. I acknowledge that a pavement only commences 320 metres from the appeal site, and therefore future occupiers would be required to walk along the unlit and relatively busy stretch of Pear Tree Lane, without footways.

10. The centre of Shorne is 1 mile away, with access to two public houses, a village store, coffee shop, church, a village hall, a beauty salon, and play area. Higham is also 1 mile away with shops and services including a post office, convenience shops, public houses, churches, surgery, pharmacy, takeaways, hairdresser and a train station.
11. The bus services provide sustainable travel choices for future occupants. The facilities within both Shorne and Higham would be within a reasonable cycling distance. Accessing these would often involve narrow and largely unlit roads. Consequently, I consider this is not likely to be an attractive option for all future occupiers, particularly outside daylight hours and in inclement weather. For this reason, there could still be, to some degree, a level of reliance upon a private motor vehicle to access other shops, services and larger settlements given the routes and distances involved. Nevertheless, the proposal offers a genuine choice of transport modes, commensurate with the site's rural location.
12. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The proposal would result in a net increase of one dwelling on the site, and therefore the volume of traffic movements associated with the proposed development would be small. The proposed development would utilise the existing vehicular access and there would be space for the parking and turning of vehicles within the site. The local highway authority did not object to the proposal. Therefore, I am content the proposal would not have significant impacts on the capacity of the transport network, congestion, or highway safety.
13. I have been referred to several recent planning appeal decisions¹ where Inspectors found that appeal sites across England were not in sustainable locations, in accordance with the requirements of paragraph 155 c). While consistency in decision-making is important, the circumstances in each proposal are likely to be different. Each development must be considered on its individual merits, and I have reached my conclusion based on the site-specific circumstances of the appeal site.
14. As set out above, the proposal would utilise grey belt land. Within the context of its rural location, I am satisfied the proposal would be in a sustainable location, as required by criterion c) of Framework paragraph 155. The proposal would therefore satisfy criteria a)-d) of paragraph 155 of the Framework. Consequently, the proposed development would not be inappropriate development within the green belt.
15. Given my conclusion on this issue, it is not necessary to consider whether the proposal would result in a disproportionate addition over and above the size of the original building, or limited infilling or the partial or complete redevelopment of previously developed land. This is because I have already found that the development meets the exception set out in paragraph 155 of the Framework. Therefore, the criteria contained in paragraphs 154 c) and 154 g) of the Framework are not relevant.

¹ PINS Refs: APP/Q4625/W/24/3352513; APP/K2230/W/25/3363212; APP/F2360/W/25/3359228; APP/B1550/W/24/335752 and APP/B1930/W/24/3349580.

16. A previous appeal² at the appeal site for the 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 was dismissed in November 2024. However, the decision predates the current Framework, and the introduction of grey belt into national planning policy. Although, in that case, the Inspector concluded that the proposal would be inappropriate development in the Green Belt, this was assessed within a materially different policy context. Therefore, I afford the appeal decision very limited weight.
17. The proposal would therefore comply with policies CS01 and CS02 of the CS which protects the Green Belt from inappropriate development and outlines that planning applications that accord with the policies in the development plan for Gravesham will be approved without delay.

Protected sites

18. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation. The area comprises extensive wetlands that support significant numbers of wintering, waterbird and migratory bird species. However, bird numbers have declined in recent years, and studies indicate that recreational use of the estuary and marshes is likely to be a contributing factor.
19. The Conservation of Habitat and Species Regulations 2017 (the Habitats Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA and Ramsar.
20. The appeal site lies within 6km of the designated area, where residents have been shown to visit for recreation. Without mitigation, additional visitors arising from new residential development would be likely to harm the integrity of the SPA through increased disturbance to wildlife. It is anticipated that new residential development in this area is likely to have a significant effect, when considered either alone or in combination, upon the interest features of the European sites due to the risk of increased recreational pressure. An appropriate assessment is required in line with the Habitats Regulations.
21. The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) 2014 adopts a strategic, tariff-based approach to mitigation. It secures financial contributions from development to fund measures such as wardening, on-site interpretation and signage, ranger presence, and other habitat and access management initiatives. These measures are intended to offset the impacts of increased recreational pressure. Based on the evidence before me, I have no strong reason to doubt that a contribution towards SAMMS would effectively mitigate the effects of the proposed development.
22. The appellant has paid £337.49 to the Council in accordance with a SAMMS Contribution Agreement. The Council indicate that the money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. In these circumstances, and acting as the competent authority under the

² PINS Ref: APP/K2230/W/23/3336159

Habitats Regulations, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and RAMSAR sites.

23. Given this, the proposal would therefore comply with policy CS12 of the CS and the aims of the Framework which collectively seek to protect wildlife habitats.

Other Matters

24. Interested parties have raised concerns that the proposal would harm the character of the area, amount to backland development and encroach into the countryside.
25. The proposal is for the conversion of an existing structure within a residential curtilage. The residential plots on this stretch of Pear Tree Lane are clearly distinct from the surrounding countryside and in many plots development is set further back and away from the road. Consequently, the proposal would not result in material encroachment into the countryside. The single storey dwelling located to the rear of the site would have a similar appearance to other outbuildings in the rear gardens of properties along Pear Tree Lane. Therefore, the proposal would not impact on the street scene or the character of the area.
26. Concerns have been raised in relation to the effect on the living conditions of occupiers of neighbouring dwellings. Given the significant separation distances to the nearest dwellings, I do not find harm to the living conditions of neighbouring occupiers.
27. Concerns are raised about an increase in traffic and the safety of the site access. The appeal proposal would provide a single dwelling which would result in a limited increase in local traffic. It would have a parking area of sufficient size for two vehicles and a turning area which would enable vehicles to enter and leave the site in a forward gear. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on these matters which was that there would be no unacceptable harm in these respects.
28. The Parish Council indicate that there is insufficient justification that the barn and various stable structures are redundant or that the barn is suitable for conversion. However, I do not have substantive evidence to indicate that the barn is not suitable for conversion, and I have not been directed to any policy which requires that structures are redundant in advance of residential development.
29. Whilst previous appeals within the area may have been dismissed, in this instance, as I have found that the proposal would not be inappropriate development within the Green Belt, it would not create a precedent for other developments that would cause harmful effects in this regard.
30. A number of other matters have been raised by interested parties and I have taken them all into account. Those related to planning include site ownership, use of the vehicular site access, surface drainage and sewerage and the internal layout of the dwelling. Whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects. Consequently, they do not alter my overall conclusion, which is that the appeal should be allowed.

Conditions

31. I have considered the suggested conditions against the Framework and Planning Practice Guidance. In addition to the standard time limit for commencement, in the interests of certainty I have imposed conditions to ensure the development is carried out in accordance with the approved plans.
32. To ensure that the archaeological implications of the proposal are assessed, I have imposed the Council's suggested condition requiring an archaeological watching brief. In the interests of public safety, I have also imposed the suggested condition requiring a contamination watching brief.
33. Conditions requiring details and samples of external facing materials, and details of soft landscaping and refuse storage are necessary in the interests of the character and appearance of the area.
34. To safeguard privacy and ensure suitable living conditions for neighbouring occupiers I have included a condition requiring obscure glazing to be specified within bathroom windows. In the interests of biodiversity and protected species, conditions requiring details of biodiversity enhancement measures and the submission of a lighting design plan are necessary. However, I have amended the wording of the lighting design plan condition to clarify that details need only be submitted if external lighting is proposed at the appeal site.
35. I have not imposed the suggested condition to remove permitted development rights. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the appeal proposal acceptable in planning terms and would not comply with the Framework.

Conclusion

36. For the reasons given above, and having regard to the development plan as a whole and any material considerations, I conclude that this appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing numbers 4311 - 01 Site Location Plan; 4311 - 02 Existing Block Plan; 4311 - 03 Existing Floor Plan; 4311 - 04 Existing Elevations; 4311 - 05 Existing Outbuildings; 4311 - 06 Proposed Block Plan; 4311 - 07 Proposed Floor Plan; and 4311 - 08 Proposed Elevations.
- 2) The development hereby permitted shall begin not later than three years from the date of this decision.
- 3) Prior to the commencement of the development, the applicant, or their agents or successors in title, must secure the implementation of:
 - (i) an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority and;
 - (ii) a report on the findings of the watching brief which has been submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to the commencement of any above groundworks, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include incorporation of recommendations in Section 11 of the Preliminary Ecological Appraisal (Native Ecology April 2022). The approved details will be implemented prior to occupation of the development and thereafter retained.
- 5) Prior to the commencement of any above groundworks, details and samples of all materials and finishes to be used in the external faces of the building (bricks, tiles, rainwater goods, windows and doors) shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved details.
- 6) Any window serving a bathroom/wc/en-suite must be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard). The windows will be retained thereafter.
- 7) No external lighting shall be installed until a lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not harmfully disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.
- 8) Prior to the development being occupied, a scheme detailing the proposed soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in full within the first planting season. Any trees or plants that die, are damaged, removed or become diseased within five years from implementation shall be replaced with a similar size and species during the next planting season.

- 9) Prior to the development being occupied, details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse arrangements shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.
- 10) The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

END OF SCHEDULE