



Appeal Decision

Site visit made on 31 October 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2024

Appeal Ref: APP/K2230/D/24/3344211

Swift Farm Dean Lane, Harvel, Gravesend DA13 0BS

- 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 Ms Tracey Marshall against the decision of Gravesham Borough Council.
 - The application Ref is 20230977.
 - The development proposed is Construction of a detached stable block to the rear of the residential dwelling to provide 2 No. loose boxes, a tack/feed store and a hay/straw store, with associated landscaping of yard area for private equestrian use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the application form and decision notice. Although different to that given on the appeal form it still accurately reflects the appeal site location.
3. In November 2023, Areas of Outstanding Natural Beauty (AONBs) were renamed 'National Landscapes' (NL), and the Kent Downs AONB within which the appeal site is located became known as the Kent Downs National Landscape. I have therefore referred to the National Landscapes and the Kent Downs National Landscape in my decision, except where legislation or policy documents continue to refer to AONBs.
4. At the time of my visit, a structure was visible on site. The appellant also stated that the development had commenced. However, I cannot be sure the development on-site matches the submitted drawings. I have, therefore dealt with the appeal as proposed in the submitted plans.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the proposed development on the landscape, character and appearance of the surrounding area;

- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

6. The appeal site forms part of the rear garden of Swift Farm. The host dwelling is sited off a narrow road as part of a band of ribbon development. The rear garden sits on a fairly steep slope. At the time of my visit, the site of the proposed stable had been levelled with a partially built structure on site. Directly to the rear, beyond a planted landscaped boundary, is an open field with a public right of way (PROW) which crosses it. To either side of the rear garden are verdant hedges and trees.

Whether inappropriate development

7. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Of relevance to the appeal scheme is paragraph 154, exceptions b) and g) of the Framework.
9. Exception b) relates to the provision of appropriate facilities for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Exception g) relates to the partial or complete redevelopment of previously developed land, again subject to not having a greater impact on the openness of the Green Belt than the existing development.
10. Policy CS02 of the Gravesham Local Plan Core Strategy (CS) sets out the scale and distribution of development across the Borough. It states that development outside of settlements will be supported where it is compatible with national policies for protecting the Green Belt.
11. Saved Policy C13 of Gravesham's Local Plan First Review (GLPFR) relates to extensions to dwellings in the countryside, including outbuildings. The Council accepts that C13 is not wholly consistent with the Framework. As such only limited weight can be applied to it, and the approach of the Framework is to be preferred.
12. Saved Policy C17 of the GLPFR relates to, amongst other things, the erection of stables. Where acceptable in principle, the policy expects stables to be properly designed and constructed of sound materials appropriate to the countryside and to be in an acceptable location within the site.
13. The Council have stated the proposed development would not be for outdoor recreation. However, no substantive evidence has been provided to substantiate this point. In any event, exception b) comprises two strands, the second being that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. If a proposal fails either strand, it would be inappropriate development.

14. Openness of the Green Belt has a spatial aspect as well as a visual aspect. Both aspects therefore need to be considered.
15. The proposed development would introduce a modest-sized stable building into a site that is currently devoid of any built development. In spatial terms, the footprint and bulk would inevitably have an impact on the openness of the Green Belt. The impact on visual openness would be limited, given the building would be set partially into the ground. However, the building would be visible from certain views along the PROW and glimpsed views from the road. As such, the development would result in a loss of openness in both spatial and visual terms, leading to a fundamental and permanent change to the Green Belt.
16. As the proposal would have a greater impact on openness than the existing development, it is not therefore necessary for me to consider whether the appeal site would be compliant with the first strand of exception (g).
17. For these reasons, the proposed development would not preserve the openness of the Green Belt in both visual and spatial terms. It would therefore comprise inappropriate development in the Green Belt. The proposed development would therefore not comply with the Framework, Policy CS02 of the CS and Policies C13 and C17 of the GLPFR.

Character and appearance

18. There are some nearby properties and built form in the surrounding area. Nonetheless, the area has a rural character created by areas of open fields with woodland beyond. Many surrounding fields and roads are bound by mature planting with properties set back from the road. This pattern of development contributes to the rural character of the settlement.
19. The site lies within the Harvel Wooded Downs Landscape Character Area (HWDLCA) as defined by the Gravesham Landscape Character Assessment (Gravesham LCA). HWDLCA describes some of the key characteristics of the area as a haphazard mosaic of residential plots and small holdings set within the woodland and varied topography. The site is also located in the Kent Downs NL.
20. My site visit showed that the limited garden size associated with the host dwelling would not be suitable for grazing. There is a dispute between the main parties with regard to the use of the adjacent field for grazing. It is not for this appeal to determine the lawful use of the nearby field or the status of the host property as a farm. In the absence of any substantive evidence to demonstrate the horses/ponies to be kept on site would have access to suitable grazing land, the noise, odour and other associated activities taking place on-site would be substantially more intensive than would normally be expected on a residential property even when considered in this rural context. As a result, the proposed development would not be an effective or efficient use of the site.
21. The proposed stable is single storey. The stables are to have a dark colour treatment and a typical appearance for such a use. Such buildings are not intrinsically uncharacteristic of rural areas. Given that the building would be somewhat sunken into the ground and partially screened by trees, hedges, and other greenery, it would not be harmful to the immediate character or appearance of the area or the wider landscape in which it would be cited. In

reaching the above finding, I note some minimal excavation has occurred. Nonetheless, this has not harmfully altered the appearance of the area or how it is experienced in the wider landscape.

22. For the above reason, the appellant has failed to demonstrate the development would not result in unacceptable harm to the character of the surrounding area. This would result in a conflict with CS Policy CS12, Policies SD02 and SD03 of the Kent AONB Management Plan and the Framework. Together, amongst other matters, they seek to ensure that development conserves and enhances the character and qualities of the area, including the Kent Downs NL.

Other Matters

23. The appellant has drawn my attention to a “precedent set” of examples¹ of what are considered to be similar stable developments approved by the Council. I have not been provided with the full details, including the site context, how they relate to the Green Belt or the character and appearance of the area to be able to draw a meaningful comparison. In any case, I have considered this case on its own merits and its site-specific siting.

Other considerations

24. The appeal scheme would be inappropriate development within the Green Belt. 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 appeal development is clearly outweighed by other considerations.
25. In addition to harm to the Green Belt the intensification of the garden would be harmful to the character of the area. Against those harms, while I accept the appellant would be using the stables, no other considerations have been put forward.
26. 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.

Conclusion

27. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR

¹ Refs: 20200251, 20171275, 20130874 and 20120276