



Appeal Decision

Site visit made on 22 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/K2230/W/23/3323850

Nutfield Farm, Priestwood Road, Meopham, Gravesend, Kent DA13 0DA

- 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 Mr and Mrs Stephen Church against the decision of Gravesend Borough Council.
 - The application Ref 20230312, dated 29 March 2023, was refused by notice dated 25 May 2023.
 - The development proposed is described as demolition of the existing detached 4-bedroom dwelling, together with its associated garages and outbuildings and its replacement by a detached 3-bedroom bungalow with associated detached double garage and mower store.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing detached 4-bedroom dwelling, together with its associated garages and outbuildings and its replacement by a detached 3-bedroom bungalow with associated detached double garage and mower store at Nutfield Farm, Priestwood Road, Meopham, Gravesend, Kent DA13 0DA in accordance with the terms of the application Ref 20230312, dated 29 March 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address from the application form, albeit slightly reordered it.
3. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issues has not been materially altered. Therefore, in this instance, it has not been necessary to consult the parties on the revisions to the Framework.
4. As part of the appeal submission, the appellant has put forward overlay and height comparison drawings¹ for the proposed and existing dwelling, including outbuildings. As these do not alter the scheme that has been applied for and the Council has had the opportunity to provide final comments on these submissions, I am satisfied that consideration of these drawings as part of this appeal would not prejudice the Council or third parties.

Main Issues

5. The main issues of the appeal are:

¹ Drawing Refs: 539/PL21 and 539/PL22

- whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the Framework, including the effect on the openness of the Green Belt; and
- the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is situated in the Green Belt. 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.
7. 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 exception d), the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. While not set out in the Council's reason for refusal, 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.
9. Saved Policy C12 of the Gravesham's Local Plan First Review (GLPFR) is again only cited in the Council Officer report. It nonetheless sets out policy for replacement dwellings in the Countryside, including the Green Belt. However, given that this Policy pre-dates the Framework and is not wholly consistent with it, only limited weight can be applied to it and the approach of the Framework is to be preferred.
10. The proposed development would see the existing single-storey bungalow at the appeal site demolished, along with a detached garage, mower store and two outbuildings. A number of greenhouses and canopy area would also be removed. The proposed development would see a replacement bungalow and detached garage relocated to sit more centrally on the site.
11. The proposed development would be in the same use as the existing dwelling and provide for a residential garage and mower store area. There is a disagreement between the Council and the appellant on the dimensions of the proposed development. Nonetheless, the submitted plans clearly set out the dimensions of the buildings, and in the absence of any clear evidence of how the Council arrived at different measurements, I have considered them to be accurate for the purposes of this appeal.
12. The judgement as to whether a proposed replacement building is materially larger than the structure it would replace is primarily an objective one by reference to size. Floor space, footprint, built volume, height and width can all be relevant factors. It should also be noted the Framework at exception d) does not state the original building with regard to the replacement.
13. Additionally, while noting the wording of the Framework, the word building should not be read as excluding more than one building, providing as a matter of planning judgment the buildings on site can sensibly be considered together in comparison with what is proposed to replace them. In this regard, given the

garage, mower store and outbuildings are close by and used in connection with the host dwelling, I see no reason why they should not be considered for the purposes of exception d.

14. Taking into consideration the appellant's figures and in the absence of any substantive evidence to the contrary, the footprint and volume of the proposed dwelling and garage would be less than that of the existing dwelling, garage mower store and two outbuildings. Furthermore, when considering the proposed garage while it would not be substantially lower than the existing dwelling, it would not appear materially larger than the existing built development. As such, I find that the scheme would accord with exception d) as the proposed dwelling and garage would not be materially larger than the one it replaces.
15. For the reasons above, the proposal would not be inappropriate development in the Green Belt having regard to the Framework and would therefore not cause harm to it. There would also be no conflict with Policy CS02 of the CS. Moreover, since the proposal would not result in inappropriate development in the Green Belt there is no need for me to consider the impact on openness or whether very special circumstances exist.

Character and appearance

16. The appeal site is cited between existing properties forming a ribbon development on Priestwood Road. The surrounding area has a rural character created by areas of open fields with woodland beyond. Many of the 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.
17. The site lies within the Harvel Wooded Downs Landscape Character Area (HWDLCA), as defined by the Gravesham Landscape Character Assessment (Gravesham LCA). HWDLCA describes one of the key characteristics of the area as a haphazard mosaic of residential plots and small holdings set within the woodland which would match my observations on site.
18. Despite the existing dwelling occupying a sizeable plot, it has a somewhat wedged-in appearance as a result of the irregular plot shape, surrounding boundaries and location of outbuildings on site. In the surrounding area, there is significant variation in the styles, ages and design of properties found along Priestwood Road, which is a pleasing feature that adds character to the verdant street scene.
19. The proposed dwelling would not replicate the design of any particular nearby property and would be positioned more centrally within the site. As a result, the introduction of a dwelling setback from the road in a more central position in the plot would be in keeping with the open pattern and grain of dwellings found nearby. As a result, the dwelling would not appear cramped or incongruous, particularly as it would be comparable in height to the existing dwelling onsite.
20. Furthermore, the style and design of the proposed dwelling incorporating a steep central pitch with gables to the sides would complement the variety of styles and designs found nearby. The use of materials to match those found within the surrounding area would also assist in the building in appearing to

have less bulk and mass as it would be seen with the largely traditional properties and buildings to either side of the plot.

21. The proposed garage would be broadly comparable in height to the main dwelling but would be subservient in size in terms of footprint. It would be well-designed with materials to match the existing property and have a rural appearance. Where visible, it would be read as a subordinate structure to the main dwelling and complement its design.
22. In terms of its siting, it would sit in front of the property. However, it would be sited within a domestic curtilage and the proposed location would continue a pattern that is already well established along the road of outbuildings close to the road. Indeed, it would not be substantially different to the layout that currently exists on site with the garage located to the side and front of the host dwelling.
23. For the reasons above, the development would not cause harm to the character or appearance of the area or to the HWDLCA. The development complies with Policy CS19 of the CS which, amongst other things, seeks new development to be visually attractive and conserves and enhances the character of the surrounding local area. The proposal would also accord with the Framework, which seeks to conserve and enhance the natural environment and that proposals are sympathetic to local character.
24. The Council's decision notice refers to the Householder Extensions/Alterations Design Guide Supplementary Planning Document (SPD) and saved Policy C13 of the GLPFR, which specifically relates to extensions to dwellings in the countryside, including the Green Belt. As the appeal scheme is for a replacement dwelling and garage following the demolition of the existing buildings on site, I find no conflict with Policy C13. For the avoidance of doubt, even if I was to take the SPD into consideration, which is for guidance only, I have found the development would not harm the character and appearance of the surrounding area.

Other Matters

25. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes' (NL). The legal designation and policy status of AONBs are unchanged.
26. The site is located within Kent Downs NL. Having regard to Paragraph 182 of the Framework, I give great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in NL. The Council have stated the appeal scheme would not have a negative effect on the NL and based on my findings above I find no reason to disagree.
27. My attention has been drawn to a previous application refused by the Council (Ref. 20220792). However, I have determined the appeal proposal on its own merits and found it would not cause harm for the reasons set out.

Conditions

28. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly combined and modified the wording or form of certain conditions without altering their fundamental aims.

29. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. To protect the character and appearance of the area, it is also necessary to impose a condition requiring details of the external surfaces of the development and have these approved by the Council.
30. A condition relating to hard and soft landscaping and external lighting is also necessary to protect the character and appearance of the area and prevent water and material runoff from the site.
31. In terms of restricting the ancillary use of the garage and mower store, this condition is not necessary in that the use of the garage for any other purpose would amount to a material change for which planning permission would be required.
32. I have not attached the Council's suggested conditions in relation to the removal of permitted development rights. The Framework, at Paragraph 54, advises that planning conditions to restrict national permitted development rights should not be used unless there is clear justification for doing so. The principle of permitted development is established by secondary legislation, and in doing so, no restriction is imposed on development within the curtilage of a dwelling in the Green Belt. Moreover, there is no detailed evidence to show the amenity of neighbouring properties would be detrimentally harmed. Therefore, there is no clear justification for removing such rights in relation to the proposed development, and conditions to do so would be both unnecessary and unreasonable.

Conclusion

33. The proposal would not be inappropriate development in the Green Belt. As it would not conflict with the policies in the Framework that protect the Green Belt, it has not been necessary to take into account other considerations. Furthermore, I have found the proposal to be in keeping with the character and appearance of the area.
34. Therefore, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

A Hickey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 539/01, 539/PL01, 539/PL02, 539/PL03, 539/PL04, 539/PL05 and 539/PL06.
- 3) No development above slab level shall commence until details including samples of the materials to be used in the construction of all external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a) Pedestrian access and circulation areas,
 - b) Boundary and screening by means of fences, walls or other means,
 - c) Any lighting installations,
 - d) Hard surfacing materials,
 - e) Schedules of plants, noting species, planting sizes and proposed numbers/densities and arrangements for aftercare,
 - f) Retained areas of trees and hedgerows; and
 - g) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

The landscaping works to form and surface the vehicle parking areas, shall be completed in accordance with the approved details prior to first occupation of the development.

End