



Appeal Decision

Site visit made 16 April 2013

by M A Champion BSc CEng FICE FIMStructE FCIHT FHKIE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 May 2013

Appeal Ref: APP/K2230/A/12/2186760

Land adj. The See-Ho Public House, Pear Tree Lane, Shorne, Gravesend, DA12 3JX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Wood against the decision of Gravesham Borough Council.
 - The application ref: 20120693, dated 7 August 2012, was refused by notice dated 25 September 2012.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed

Preliminary matters

2. The description given above is taken from the application form. The Council's refusal notice describes the proposed development more completely as the erection of a detached dwelling and garage, and I shall deal with the appeal on this basis.

Main issues

3. I consider that the main issues in this appeal are:
 - (i) whether the development is inappropriate for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - (ii) the effect of the development on the openness of the Green Belt;
 - (iii) the effect of the development on the village envelope and the surrounding countryside; and
 - (v) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The application was made in outline with all matters reserved.
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5. The appeal site lies in a predominantly residential semi-rural area where Policies TC1 and GB2 of the Gravesham Borough Local Plan 1994 (LP) deal with the design of new development and the Green Belt.
6. These policies are generally consistent with the aims of the National Planning Policy Framework (NPPF), policies from which have also been considered. The NPPF reinforces the local plan as the main consideration in planning decisions. It requires development not to undermine the quality of life, emphasising the importance of sustainable development, high quality design, attractive places and a good standard of amenity for residents. It expects developments to contribute to the overall quality of the area. Paragraphs 79-92 address the Green Belt.
7. The appeal site is located on the south side of Pear Tree Lane and comprises a plot of open land adjacent to the car park of a public house. It is surrounded on all sides by housing, and is bounded by conifer hedges and timber fencing. To the west and south is a continuously built up area, while to the east it adjoins a line of detached properties extending out into the countryside. On the opposite side of the road is a row of similar bungalows (Ridgeway Bungalows) on deep plots behind which are open fields.
8. I have not been advised of the location of the village envelope or the Green Belt boundary, but the Council states that the site lies outside the village boundary and within the countryside and the Metropolitan Green Belt. Ridgeway Bungalows continue the built-up area further to the east on the north side of Pear Tree Lane.
9. My attention has been drawn to an appeal (ref: T/APP/K2230/A/91/180407/P8) dismissed in October 1991 for a development of two dwellings and ancillary garaging on the same site. This appeal in turn refers to an earlier appeal dismissed in 1976 for residential development on the site. I have not been provided with any other information concerning the 1976 appeal.
10. The 1991 appeal indicates that the built-up area boundary ran along the east side of Rose Cottage with the public house and other properties to the east of Bowesden Lane being in the countryside. However, at that time the Council was reviewing the local plan and proposed to include within the village envelope the public house, its car park and Ridgeway Bungalows. While the last named are now within the village envelope I have not been advised whether the public house and its car park are now within or without.
11. Whichever is the case the site appears to lie on or very close to the boundary between the village and the Green Belt.
12. The illustrative design for the proposed development shows a detached two-storey house and double garage on the western half of the plot accessed by means of the existing field entrance.
13. Since the 1991 appeal some developments have taken place in the area. Most notable at the time of my visit was work being undertaken on Shornebury, a detached house adjoining the site to the east. Third party evidence indicates that this is in fact two large extensions one on each end of the house. The resulting building is massive and highly prominent in the street scene. It extends the built environment out of the village into the Green Belt. Contrary

to the appearance of the area in 1991, the built up area now appears to start some distance to the east of the appeal site.

14. Paragraph 89 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate, but indicates a number of exceptions. Among these is limited infilling in villages. Although the appeal site has the appearance of being an infill location in view of the existing development all around, it does not lie in a village, but outside the boundary. I therefore consider that the proposed development would be inappropriate and thus by definition harmful to the Green Belt.
15. The proposed dwelling would also intrude into the Green Belt and adversely impact on its openness as the site is currently undeveloped.
16. I attach substantial harm to the inappropriateness of the building and its effect on the openness of the Green Belt.

Effect on village envelope and countryside

17. The proposed development would infill an open space on or close to the village envelope. However, the continuing development along Pear Tree Lane gives the appearance of the built-up area extending further to the east. There is already a difference between the defined village boundary and that which appears on the ground to be the logical end of the built-up area.
18. I do not consider that the proposed development would distort further the definition between village envelope and surrounding countryside.

Very special circumstances

19. The appellant states that the site does not meet the criteria for being classified as Green Belt.
20. While the NPPF paragraph 80 sets out the purposes of including land within Green Belts, paragraph 83 states that, once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. A planning appeal is not the correct forum for challenging the location of long established boundaries.
21. The appellant also states the Council lacks a five year housing land supply which the proposed development would contribute to addressing. The Council acknowledges that it cannot demonstrate a five year housing land supply against the requirements of the South East Plan. However the relevant parts of this Regional Spatial Strategy were revoked by the Government on 25 March 2013. The appellant argues that the council's emerging Core Strategy fails to address the need for housing and that Green Belt boundaries should be adjusted to ensure they comply with the NPPF.
22. While these matters are properly part of the consideration of the Core Strategy and other emerging parts of the Local Development Framework, I cannot be certain that they will be carried forward to eventual adoption. They do not amount to other considerations that clearly outweigh the harm by reason of inappropriateness and the impact on openness so as to amount to the very special circumstances necessary to justify the development.

Conclusion

23. I conclude that the development is inappropriate in the Green Belt, contrary to the policies cited above. No considerations have been presented that are sufficient to amount to very special circumstances. I shall dismiss the appeal.

M A Champion

INSPECTOR