



Appeal Decision

Site visit made on 2 May 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/K2230/W/22/3302572

Burghfield, Wrotham Road, Culverstone Green, Kent DA13 0RF

- 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 Kevin Woodhall against the decision of Gravesham Borough Council.
 - The application Ref 20220003, dated 20 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is extension and conversion of existing stables into a 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner above is taken from the Council's decision notice because it is more precise. The submitted plans include a conservatory. The appellant has confirmed that it is not part of the current proposal. I have determined the appeal on this basis.

Main Issues

3. The appeal site is in the Green Belt. The main issues in this appeal are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to local and national planning policy and any effects on openness and the purposes of the Green Belt;
 - its effect on the character and appearance of the surrounding area, including the Meopham Downs Landscape Character Area; and
 - whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations to amount to very special circumstances required to justify the proposal.

Reasons

Planning policy

4. Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 (the CS) applies national policy for protecting the Green Belt in the National Planning Policy Framework (the Framework). The construction of new buildings is inappropriate development in the Green Belt except in Framework paragraph 149(g) for limited infilling or the partial or complete redevelopment of

previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development. Framework paragraph 150(d) also sets out that the re-use of a building of permanent and substantial construction is not inappropriate development in the Green Belt provided that it preserves its openness and does not conflict with the purposes of including land within it.

Whether inappropriate development

5. The proposal includes re-use of the stable and limited infilling or the partial or complete redevelopment of PDL in the countryside. With regard to its extension, the Council refers to Planning Practice Guidance for conversion of agricultural buildings to dwellings using permitted development rights. This is not directly relevant in this case; but in any event, extending the stable does not mean this building is not of permanent and substantial construction for re-use; which it plainly is given its mostly blockwork, tiled roof and concrete floor slab construction.
6. Patio and other garden space would replace hardstandings around the stable. However, the existing roof overhang would be infilled to make the dwelling deeper with a bay and part of an integral single garage protruding even further forward. An extension at either end of the stable would make the dwelling longer. The fully hipped main roof would be wider and longer as well as taller to eave and ridge levels and include a large gable and wide overhang. As a result, the size of the building in floor area and building volume would be significantly increased. There would be appreciable new built form where there was none before as well as residential use and activity with associated domestic paraphernalia including outside.
7. This part of the appeal site would no longer be developed in any equivalent or comparative sense to its original condition, nor would it remain unchanged; but take on a distinctly different domestic demeanour. This further spread of built form and a consolidation of residential use would have a permanent innate spatial presence. Though sited behind Burghfield, and glimpsed, it would have a visual presence in views from the pavements in Wrotham Road along the existing driveway and gap between Burghfield and the adjoining property.
8. The proposal would, therefore, result in a greater impact on the openness of the Green Belt than the existing development and not preserve openness. Albeit a small loss the development would reduce the openness of the Green Belt which is one of its essential characteristics and be at odds with a purpose of the Green Belt to safeguard countryside from encroachment. As such the proposal conflicts with CS Policy CS02 and does not meet the exception in Framework paragraph 149(g) or paragraph 150(d). Consequently, it is inappropriate development in the Green Belt.

Character and appearance

9. The proposal would broadly maintain an L-shaped floorplan and ivory render would appear similar to the cream painted block stable elevations. Though terracotta roof tiles and white UPVC windows and doors would match Burghfield these would be at odds with the existing brown or grey roof tiles and dark timber window frames of the stable, so detract from these aspects of the building, though a condition could secure appropriate details in these respects.

10. However, cumulatively the extensions would not be subservient or subordinate to the size of the stable. The glazed projecting gable would also be out of keeping with the simple, uncluttered form of the stable roof. There would be a significant number of new or enlarged openings in the building for windows and glazed doors that were overtly domestic in proportion and appearance. The proposal would not, therefore, reflect important features of the stable and instead appear as a large modern, contemporary design new build bungalow rather than a modest converted traditional stable.
11. Although located behind Burghfield and its rear garden and near a large workshop and a garage building on one side and a new school building on the other, the dwelling would be next to a paddock. This part of the countryside in the Meopham Downs Landscape Character Area includes horse related activity, small, regular shaped fields and traditional buildings with few visual detractors. While the paddock is contained from the wider open countryside beyond it by hedgerow and trees, the proposed dwelling would nonetheless inherently undermine the visual integrity of this part of the countryside and give a more pronounced residential feel to it.
12. I therefore find that the proposal would cause appreciable harm to the character and appearance of the surrounding area, including the Meopham Downs Landscape Character Area. It conflicts with CS Policies CS12 and CS19 which seek to conserve the built environment and landscape character and ensure that development integrates well with the surrounding local area.

Other considerations

Personal circumstances

13. Mrs Woodhall is at retirement age and further to an accident and operation has a mobility impairment that makes living over the two floors of Burghfield difficult without assistance. This has health, safety, wellbeing and quality of life implications for the appellants and Mrs Woodhall's relatives, who if the appeal was successful might otherwise live at Burghfield to help with her care. I also appreciate that the appellants do not wish to move into a more suitable dwelling elsewhere out of the area. These reasonable adjustments would be important for these aspects of the appellants' family life and I give significant weight to these personal circumstances.

Provision of housing

14. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites. It was a 3.27-year supply and I have not been informed that this figure has changed. The proposal would make efficient and effective use of a small windfall site to provide a new two-bedroom home. This would be aligned with objectives of the Framework to significantly boost the supply of homes and meet specific housing needs, including for older persons. Notwithstanding the extent of the shortfall, the social and economic benefits of constructing and occupying a single new home would be modest.

Other development

15. The appellant has mentioned other new development in the area, including the school building and a house elsewhere fronting Wortham Road. However, the circumstances of those cases and sites are not likely to be directly comparable to the current appeal so this consideration has little weight in my decision.

Green Belt Balance

16. The proposal is inappropriate development which is by definition harmful to the Green Belt. The limited harm to the openness of the Green Belt in this case is nonetheless at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. Additionally, the harm to the character and appearance of the surrounding area has moderate weight against the proposal.
17. Dismissing the appeal would interfere with the appellant's right to enjoyment of their possessions¹ and their rights to private and family life and their home². I have also had due regard to the age and disability protected characteristics in this appeal for the purposes of the Public Sector Equality Duty³, including the need to eliminate discrimination and advance equal opportunity. Nevertheless, these factors must be weighed against the wider public interest. For the reasons given above, the development would harm the Green Belt and the character and appearance of the surrounding area. I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission for the development that has taken place. I therefore consider that dismissing the appeal for these reasons would be a proportionate outcome.
18. The other considerations outlined above are, therefore, individually and cumulatively of insufficient weight to clearly outweigh the totality of the harm in this case. Consequently, very special circumstances to justify the proposal do not exist. In this respect it also conflicts with CS Policy CS02 and Framework paragraph 148.

Planning Balance and Conclusion

19. By virtue of the 5-year housing land supply position, Framework paragraph 11(d) is engaged. However, in this appeal the application of policies in the Framework that protect areas of particular importance (the Green Belt) provide a clear reason for refusing the development. Accordingly, by virtue of paragraph 11(d)(i) the presumption in favour of sustainable development does not apply in this case and the benefits do not outweigh the harm.
20. The proposal does not accord with the development plan taken as whole and it conflicts with the Framework. There are no other material considerations to outweigh these findings. Consequently, for the reasons given above the proposal is unacceptable and therefore the appeal does not succeed.

Robin Buchanan

INSPECTOR

¹ Article 1 of the First Protocol of the Human Right Act 1998

² Article 8(1) of the Human Right Act 1998

³ Section 149 of the Equality Act 2010