



Appeal Decision

Site visit made on 17 October 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/K2230/W/23/3316405

Priesthood, 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 Mark Davey Brown against the decision of Gravesham Borough Council.
- The application Ref 20221241, dated 18 November 2022, was refused by notice dated 17 January 2023.
- The development is the restoration and conversion of existing outbuilding into a dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

4. The main issues are :
 - 1) whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - 2) the effect of the development on openness of the Green Belt;
 - 3) whether or not the appeal site is an appropriate location for housing;
 - 4) the effect of the development on the character and appearance of the area;
 - 5) the effect of the development on ecology; and
 - 6) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 154 and 155, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Specifically, the appellant has drawn my attention to paragraphs 155(d) and 154(c).
6. In respect of paragraph 155(d), at my site visit I observed that the building was in a poor state of repair, to the extent that I consider that it is dilapidated and not therefore of substantial construction. Whilst the appellant has submitted a Structural Appraisal in support of the appeal, the findings are not convincing as even the pictures in the appendix show the building is acutely dilapidated.
7. Furthermore, the structural report acknowledges that strengthening works are required for the existing roof structure together with the rebuilding or replacement of different sections of external walls. Additionally, the report is unclear whether there will be a need for new foundations (which is a structural element) as this would be subject to trial holes which were not undertaken as part of the investigations carried out for the report.
8. Given the above, I am far from convinced that the existing building can be re-used without major reconstruction or the need to demolish and rebuild. In coming to the above views, I am mindful of the *Hibbitt*¹ case as to whether a proposal would amount to a conversion or a rebuild. As noted above, the structural report, and my observations on site, suggest that the proposal would involve substantial works beyond internal alterations for the existing building to be 'converted' and not re-built.
9. Taking all of the above into account, and in particular the totality of the works required, to my mind this requirement would go beyond the intention of the exception. It follows that the development does not meet the exception listed at paragraph 150(d) of the Framework.
10. Turning to the exemption outlined at paragraph 154(c), whilst the proposal is stated to be the conversion of the existing outbuilding without any increase in size, given my conclusions above that the building operations required would go beyond what could be reasonably considered to be a 'conversion' the proposal cannot amount to an extension or alteration of a building for the purposes of paragraph 154(c).
11. The Council have referred to Policy C11 of the Gravesham Local Plan (1994) (LP) in their Green Belt reason for refusal. Whilst this policy relates to the conversion of farm buildings, it is of little relevance to matters relating to the Green Belt.
12. For the above reasons, the proposal does not fall within any of the exceptions listed in paragraphs 154 or 155. I therefore conclude that the proposal is

¹ *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

inappropriate development in the Green Belt. It would also conflict with Policy CS02 of the Gravesham Core Strategy (2014) (CS) which amongst other matters seeks to support development where it is compatible with national policies for protecting the Green Belt.

Openness

13. One of the five purposes of a Green Belt, outlined at paragraph 143 of the Framework, is that it should assist in safeguarding the countryside from encroachment. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial and visual aspect.
14. Notwithstanding my conclusions above, the proposal would not involve an increase in the scale of the existing building. However, the proposal also includes a revised access and an area for the parking of vehicles. This, coupled with the spread of domestic paraphernalia such as washing lines, bin storage and outdoor amenity area, the proposal would have a negative impact on openness when compared to the existing situation. Whilst the extent of this negative impact is minimal, there would still a loss of openness.
15. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to Policy CS02 of the CS and the Framework. These, amongst other matters, seek to ensure that new development within Green Belts would preserve its openness and would not conflict with the purposes of including land in it.

Location

16. The appeal site is located outside of any defined development boundary and is in a rural area where there are very limited facilities. It is however, located within a scattering of residential properties and as such it cannot be considered to be an isolated dwelling in the countryside in the context of paragraph 84 of the Framework.
17. Paragraph 109 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. However, its overall aim is to promote walking, cycling and public transport use, and reduce reliance on the private car as a mode of transport.
18. That said, from the evidence before me, the nearest facilities are at Meoplan and Culverstone Green both of which are some distance away. Furthermore, the roads from the appeal site to both of these locations are narrow, unlit and without pedestrian footpaths. All of these factors lead me to the view that walking or cycling to the facilities in Meoplan or Culverstone Green would be unattractive, particularly in the hours of darkness.
19. As I understand it, there are no bus routes either close to the appeal site, which in combination with the unattractive walking and cycling options lead me to the view that the location of the site, from a transport point of view, is unsustainable. In coming to that view, I acknowledge that the increasing trend of on-line shopping and home deliveries would reduce the need for travel. However, it would still result in additional vehicle movements to and from the appeal site. Therefore, the future occupiers of the development would invariably use the private motor vehicle which is the least sustainable mode of transport.

20. For the above reasons the site is located in an unsustainable location for new housing, particularly when considering the accessibility of services and facilities. As a result, the proposal would therefore be contrary to Policies CS01 and CS02 of the CS which amongst other matters seek to improve the social and environmental conditions in the rural area. It would also be at odds with the overarching aims of the Framework.

Character and appearance

21. The appeal site consists of part of a field which is currently uncultivated grassland. From what I gather the site was part of a small holding, operating as a piggery unit. The main part of the site is set back from the road to the south and east of Priesthood. There is a scattering of other residential properties in the area.
22. The Harvel Wooded Downs section of the Gravesham Landscape Character Assessment (May 2009) (the 'GLCA') notes that there is sporadic and piecemeal development but many of the properties appear to have adjoining paddocks. The appeal site, despite recent alterations to the main dwelling adjoining the site, still presents a rural feel and the existing outbuilding contributes towards this. Whilst the outbuilding appears to have been used for domestic storage purposes (along with the storage of building materials) the overall site still exhibits the character of its former agricultural use.
23. In contrast to that, the proposal would significantly, and detrimentally, change the character of the site by introducing further residential development and its associated paraphernalia. The introduction of another dwelling would not relate well with the main building nor to the surrounding buildings particularly as it is set back from the road which is at odds with the other development in the area.
24. That said, the outbuilding itself is well screened from public vantage points, and only glimpses of it are possible, particularly from the access point on Priestwood Road. However, whilst the limited public visibility and screening limit the level of harm which would arise, it would not totally overcome this issue.
25. In summary, find that the proposal would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with the aims and objectives of Policies CS12 and CS19 of the CS which, amongst other matters, seek to ensure that the design, layout and form of new development will be derived from robust analysis of local context and character and will make a positive contribution to the street scene, would conserve and enhance the local natural environment and landscape character, and integrate well with the surrounding local area. It would also be at odds with the overarching aims of the Framework in this respect.

Ecology

26. The appeal site itself is largely undeveloped and there are mature trees in proximity to the existing outbuilding. The application has not been supported by any technical report in respect of ecology or biodiversity. Whilst the appellant considers that the site does not offer much habitat for protected species, this can only be considered to be an assertion which is unsupported by any real evidence.

27. Given the condition of the building and the proximity of mature trees, in my view, there is a possibility that protected species may be present on the site. With that in mind, I cannot be certain that the proposal would not result in an adverse impact on such protected species.
28. I have considered the appellants view that a planning condition could be imposed which required the submission of a scheme of biodiversity and habitat enhancement. Whilst this is possible in terms of enhancement of habitats, it would not address any potential harm which could arise to protected species.
29. As such, in the absence of sufficient information to be able to conclude that there would not be an adverse impact on protected species the appeal must fail on this ground.
30. For the above reasons, in the absence of any convincing evidence to indicate that any protected species would not be harmed as a result of the proposal, the development would be contrary to Policy CS12 of the CS which amongst other matters seek to ensure that there would be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, recreate and maintain habitats will be sought. It would also be contrary to the natural environment aims of the Framework and the associated Planning Practice Guidance.

Other considerations

31. The proposal would benefit the appellant in terms of provision of a single residential dwellinghouse for occupation by the appellants parents. However, this is a narrow, private benefit and can only be given very limited weight in favour of the development.
32. I have also had regard to the other developments which the appellant has drawn to my attention which have been approved by the Council. However, from the limited information before me, I cannot be sure that any of these are comparable to the proposal before me. As such I can only give these very limited weight in my decision. Moreover, each proposal must be considered on its individual merits.
33. I am also aware of other matters which are away from the planning merits of the proposal. Given the nature of the matters raised, they have no bearing on my decision.

Green Belt balance

34. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
35. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to openness. It would also harm the character and appearance of the area and could potentially harm protected species.
36. In summary, the very limited weight attributed to the other considerations in this case does not clearly outweigh the substantial harm I have identified.

37. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify the proposal do not exist. As such, the proposal would conflict with the Framework and Policy CS02 of the CS.

Planning balance

38. The appellant has set out that the Council does not have the required 5-year supply of housing land, nor has it met the delivery of housing targets in their Housing Delivery Test. From the evidence before me, the Council acknowledge the lack of a 5-year supply of housing.
39. The Framework indicates that planning decisions should apply a presumption in favour of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date², permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This includes matters relating to harm to the Green Belt³ and therefore the presumption does not apply.
40. In addition to the above, the GLCA notes that derelict buildings detract from the overall character of the area and the proposal would result in the tidying up of this part of the appeal site. I consider that this is a positive benefit to the proposal.
41. Taking all of the above into account, the provision of an additional dwelling and the tidying up of the site are clearly benefits to the scheme. However, I consider that these benefits do not outweigh the harm I have identified. Therefore, I see no reason why planning permission should be granted for an unacceptable development which also conflicts with both the Framework and Development Plan policies.

Conclusion and Recommendation

42. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

43. I have considered all the submitted evidence, and my representative's recommendation, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR

² Footnote 8 includes situations where the local planning authority cannot demonstrate five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

³ Footnote 7 sets out such policies which include Green Belts.