



Appeal Decision

Site visit made on 16 January 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/K2230/D/24/3343538

Nurstead Hall, Nurstead Lane, Longfield Hill, Longfield, Kent DA3 7AN

- 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 Peter Holm against the decision of Gravesham Borough Council.
 - The application Ref is 20231289.
 - The development proposed is for the erection of a detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of a listed building. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt and if it is, the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area, including whether the proposed development would preserve the setting of Grade II listed building, Nurstead Hill Farmhouse; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. Policy CS02 of the Core Strategy Local Plan (CS, 2014) broadly conforms to the general thrust of national Green Belt policy, setting out that development will be supported where it is compatible with national policies for protecting the Green Belt.

5. Paragraph 153 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances'. There are, however, certain exceptions. Detached garages and outbuildings are not explicitly cited within the exceptions included at paragraph 154. However, the Council has determined the proposal based on paragraph 154(c). This allows 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.
6. I accept that although detached, the domestic nature of the proposal, its proximity to the main house, and its clear association with that property is such that it could reasonably be considered as an extension in this instance.
7. The Framework defines the original building as a building as it existed on 1 July 1948. The evidence before me demonstrates that several additions have taken place to the original building over time. However, the Framework does not provide a definition of 'disproportionate additions'. Policy C13 of the Gravesham Local Plan First Review (LP, 1994) sets out an overall extension limit of one third of the gross floor area of the original dwelling prior to any later extension or alteration. The Council uses this measure in their assessment. I am of the view that such a metric may only realistically be an approximation for disproportionality, particularly due to the absence of such a metric in the Framework, and as proportionality is inherently context specific.
8. The Council estimates that the proposed garage (approximately 60sqm), when combined with existing extensions to the original dwelling, would exceed the one third floorspace allowance set out in LP Policy C13. The appellant does not dispute this. From the evidence before me, I have no reason to disagree with those findings.
9. Nevertheless, as noted above, floorspace is not the only measure of proportionality. Even were the combined floorspace figure of existing and proposed additions to the original property below one third of its original floorspace, the structure would form a reasonably substantial addition. I do not consider the garage structure to be sufficiently subservient to the main house. In particular, the depth of the structure and the scale and massing of the proposed roof profile would be large. This is despite the appellant's work to reduce the overall scale. Consequently, I find that the proposed development would result in a disproportionate addition to the original building.
10. Overall, I conclude that the proposed development would be inappropriate development in the Green Belt, which is, by definition, harmful. Substantial weight should be given to this harm. The proposed development would be contrary to the relevant provisions of LP Policy C13 and CS Policy CS02 which in summary seek to protect the Green Belt from inappropriate development.

Openness

11. The Framework indicates that openness is an essential characteristic of the Green Belt, and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has both a physical and visual dimension. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.

12. Notwithstanding the existence of other properties and buildings near the appeal site, together with the intervening boundary features and landscaping across the site, the appeal site is visible from the adjacent highway. In any case, the openness of the Green Belt is readily apparent beyond the appeal site.
13. Whilst I accept that the proposed development would effectively form an extension to the dwelling which has been designed with some sensitivity to prevailing building forms, materials and detailing, it would nonetheless result in built volume and massing where this does not presently exist. The additional bulk as a result of the proposed development would inevitably lead to a loss of openness, both physically and visually. Accordingly, the proposed development would cause harm to the openness of the Green Belt. This factor weighs somewhat against the proposal.

Character, appearance and heritage

14. Nurstead Hill Farmhouse (which I have also referred to as Nurstead Hall, as its current name) is set within a well-landscaped garden plot. It is a Grade II listed building¹ of two-storeys, dating from the 17th century. It is timber framed, finished in washed render with a tiled, half-hipped roof over.
15. Based on the evidence before me, the listed building's special interest and significance is largely derived from its 17th century rural vernacular architecture, including the building's likely association with the adjoining farmstead, and its visually charming architectural style. Important contributors in these regards, which are pertinent to the appeal, are the use of traditional construction techniques and materials, surviving historic fabric, and the building's general simplicity in form.
16. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the Framework.
17. The asset's well-defined and closely associated garden areas have an historic, visual and functional connection with the heritage asset. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
18. Although the proposed garage structure would not result in the removal of any historic fabric from the asset, and would have a domestic appearance, its design and position within the appeal site would appear as an overly dominant feature. The development would introduce built form where there is currently none and the proposed use of rendered blockwork would give the structure a solidity and sense of permanence that would be incongruous in this location, and compete with the prominence of the main listed structure. The cumulative totality of the proposed development would harmfully erode the open, historic and rural setting of the house.
19. The garage structure would diminish the ability to appreciate the significance of the asset, weakening the contribution that the immediate setting makes to the significance of the heritage asset.

¹ List Entry Number: 1372094

20. Overall, I conclude that the proposed development would harm the character and appearance of the surrounding area and would fail to preserve the setting of Grade II listed building, Nurstead Hill Farmhouse. Consequently, the development would harm the significance of this designated heritage asset. In doing so, it would be contrary to the requirements of Section 66(1) of the Act.
21. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
22. With reference to Paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development and works relative to the building as a whole, I find the harm to the listed building would be 'less than substantial' in this instance. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
23. I accept that listed buildings need to evolve. However, I am not persuaded that the scheme before me is fundamentally necessary to secure the optimum viable use of the listed building. Whilst the purchase of materials and construction of the garage would provide some economic benefits, these would be very limited by reason of the scale and nature of the proposed development. These very limited public benefits would not be sufficient to outweigh the harm identified. As such, clear and convincing justification for allowing the appeal has not been demonstrated. The primary outcome of the proposal, namely the ability to securely store vehicles on the site would be a private benefit to the appellant. Moreover, there is no substantive evidence before me to demonstrate that similar benefits could not be achieved via an alternative, and less harmful, scheme.
24. Overall, the weight that I ascribe to the public benefits that accrue from the proposed development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve the setting of the Grade II listed building, Nurstead Hill Farmhouse, contrary to the requirements of section 66(1) of the Act and the relevant provisions within the Framework which seek to conserve and enhance the historic environment. The proposed works would also conflict with CS Policies CS19 and CS20 and LP Policy TC2 which, in summary, seek to achieve high quality design in development and to protect heritage assets.

Other considerations

25. The Framework is clear that substantial weight should be 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 development, is clearly outweighed by other considerations.
26. The appellant has stated that the proposed garage would be used for the secure storage of prestigious cars. However, it has not been demonstrated that the development before me is the only realistic solution to this issue and that other,

less harmful, schemes could not deliver the same objectives. I therefore afford this matter only limited weight.

27. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the development. I have also found that harm is caused to the setting of a Grade II listed building. I attach substantial weight to that harm. Therefore, I find that the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Green Belt Balance and Conclusion

28. The development is inappropriate development in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt.
29. Moreover, the development fails to preserve the setting of the listed building, Nurstead Hill Farmhouse. The harm to the significance of that designated heritage asset is less than substantial, but still of considerable importance and weight. It is not outweighed by any public benefits.
30. Overall, the harm identified is not outweighed by the other considerations and therefore the very special circumstances necessary to justify the development do not exist. Consequently, I conclude that the appeal should be dismissed.

A Price

INSPECTOR