
Appeal Decision

Site visit made on 23 October 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/K2230/W/17/3175024

Rosalie, Meadow Lane, Culverstone, Meopham

- 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 T Hooper against the decision of Gravesham Borough Council.
 - The application Ref 20160674, dated 24 June 2016, was refused by notice dated 8 November 2016.
 - The development proposed is new detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt.
 - The effect of the proposal on the openness of the Green Belt and purposes of including land within it.
 - Whether the proposal would provide a suitable site for housing, having regard to the proximity of services and reliance on car based journeys.
 - The effect of the proposal on the character and appearance of the landscape.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

3. Policy CS01 of the Gravesham Local Plan Core Strategy 2014 ('CS') simply refers to the presumption in favour of sustainable development as set out in The National Planning Policy Framework ('the Framework'). Policy CS02 states that outside rural settlements, as defined on the policies map development will be supported where it is compatible with national policies for protecting the Green Belt and policies in the plan. The Framework is therefore a significant material consideration. At Paragraph 89 it states that new buildings within the

Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.

4. The Council consider that the erection of a single dwelling would be limited and would constitute infilling¹. Given the scale of development and the nature of the appeal site I concur with this view. The appeal therefore turns on whether the appeal site is within a 'village'.
5. The appeal site is located within a somewhat unique and distinct built up area that sits between the A227 at Culverstone Green and Harvel and referred to as the Culverstone Valley. It contains a number of irregular residential plots with dwellings of varying sizes, forms and appearance. Its distinctiveness would appear to originate from its origins as sporadic and often unauthorised plot-land development in the countryside dating from the 1930's.
6. Notwithstanding development plan proposals maps the boundaries of such diverse rural areas and their settlements are in many instances subjective. In this case the appeal site is not adjacent to the village boundary at the junction with Whitepost Lane. The boundaries are indicated as not defining the full extent of each settlement but relates to a coherent and established built up area where infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.
7. When travelling along the lane I saw that there was a clear visual break between the more densely built up area within the settlement boundary and a looser and more sporadic development leading off the lane and within the Green Belt of the Culverstone Valley, to which the appeal site is clearly a part of. This included changes to plot sizes and a network of narrow and pot holed rural lanes with blind bends. My perception was on the ground that as you were leaving the village boundary you were entering a peripheral and unique semi-rural area, clearly distinguishable from the more built up and regular pattern of residential development along Whitepost Lane and within the village boundary.
8. In this regard my attention has been directed to a recent Court of Appeal judgement². The Court found that the Inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village; further, that he misdirected himself by accepting the Local Plan as being conclusive as to whether or not the site appeared to be in the village. Put simply, the judgement found that the village boundary defined on the proposals map should not be determinative where the boundary does not accord with the Inspector's assessment of the extent of the village on the ground. In this case I have found the appeal site lies within the Green Belt outside of the village both in terms of the settlement boundary and in my view, as a matter of fact on the ground.
9. For these reasons, although the proposal would constitute limited infilling, it would not be within a village. No other exception would appear to apply and as such, I find on the first main issue that the proposal would be inappropriate development within the Green Belt. Insofar as this matter is concerned, it would conflict with Policy CS02 of the CS and the Framework. I attach substantial weight to this harm, by reason of inappropriateness, in accordance with local and national policy.

¹ Paragraphs 5.35-5.37 of Council's appeal statement.

² *Julian Wood v SSCLG and Gravesham Borough Council* [2014] EWHC 683 (Admin).

Openness and purposes

10. Turning to openness, this has both spatial and visual aspects and in this case, the appeal site has a sense of spaciousness and openness that contributes to the semi-rural and wooded setting of development. The site is free from development and the introduction of a dwelling, in close proximity to its boundaries and of such a scale, would have a greater impact on openness, both in spatial and visual terms, resulting in a clear intrusion into this part of the countryside. This would harm the openness of this part of the Green Belt and would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
11. The effect of development as encroachment on the countryside may be in the form of loss of openness or intrusion and through the loss of openness, there can be an intrusion or encroachment into the countryside. The proposal would have a greater impact on the openness of the Green Belt, result in an encroachment onto undeveloped land and therefore be contrary to the purpose of including land within it. However, given the size and width of the appeal site and the presence of neighbouring built form I attach moderate weight to this harm.

Suitable site

12. Given the proximity of adjoining development the proposal would not be physically isolated and the somewhat limited facilities and services at Culverstone Green are technically within walking distance. Whilst the number of trips would be short, access would be along a narrow, potholed, unlit lane. It is unlikely that pedestrians would see this as an attractive route particularly in inclement weather. In my view, future residents are likely to use private vehicles to access the closest services and facilities in Culvertstone Green and further afield.
13. I am mindful that the Framework advises that all aspects of sustainability should be considered in planning decisions, that local circumstances should be taken into account, and that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, the proposal would not promote a choice in alternative forms of transport and would be heavily reliant on private motor vehicles as opposed to more sustainable modes of transport given somewhat irregular local bus services. To my mind, this would not entirely accord with the accessibility objectives of local and national planning policy and the dwelling would be functionally isolated and there is nothing meaningful to suggest that it would enhance or maintain the vitality of rural communities.
14. For these reasons, the proposal would not be a suitable site for housing in terms of its proximity of services and reliance on car based journeys. It would conflict with Policy CS02 of the CS and would fail to fulfil the environmental dimension of sustainable development as set out in the Framework. Given the proposal is for a single dwelling I attach moderate weight to this.

Character and appearance of landscape

15. The appeal site lies within the Meopham Downs Landscape Character Area. In character terms and given the wider scope of such an assessment the effects on tranquillity and the landscape as a resource would be minimal and

somewhat localised. In visual terms the Council refer to the proposal being alien within the landscape. However, the prevailing character and appearance of the area is one of individually designed detached dwelling set on a variety of plot sizes. Notwithstanding my findings in terms of openness, given the existing character of the area there would be no material harm to the landscape.

16. For these reasons, the proposal would not cause material harm to the character and appearance of the landscape. It would not conflict with Policies CS02 or CS12 insofar as they require overall landscape character to be conserved, restored and enhanced.

Other considerations

17. Regardless of the housing land supply position, to which I return to below, the scheme would provide an additional 3 bedroom dwelling along with some minimal associated social and economic benefits both during and post construction. The proposal is intended as a self- build project and given the Government's commitment to boosting the number of such projects this weighs moderately in favour of it. I give no weight, in this particular case, to compliance with other normal development management objectives of the development plan and the Framework, given its Green Belt location.

Other Matters

18. My attention has been drawn to a number of appeal decisions by the parties, in particular 8 decisions from the appellant. However, a number appear to be from different local authorities and whilst they may be comparable in general terms, the matters at the heart of this appeal involve matters of planning judgements based on bespoke site specific circumstances. I also do not find that in such cases reference to similar cases elsewhere is helpful or determinative as each case is determined on its own merits. Consequently, they do not therefore alter my views in relation to the main issues.

Planning balance and conclusion

19. Although I have not found harm to the character and appearance of the landscape, the proposal would be inappropriate development within the Green Belt would cause harm to openness and five purposes and would not be a suitable site for housing in terms of proximity to services and reliance on car based journeys. It would conflict with the development plan, when read as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict.
20. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
21. The other considerations put forward do not clearly outweigh the substantial weight that I give to the overall harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

22. There is some disagreement as to whether the Council can demonstrate a 5 year supply of housing land. However, this is not determinative because the proposal would conflict with an up to date development plan. Furthermore, even if I were to conclude there is a shortfall in supply and that relevant policies should not be considered up-to-date, Paragraph 14 of the Framework indicates that in such cases permission should be granted, unless there are specific policies in the Framework (such as land designated as Green Belt), which indicate that development should be restricted. Given that there are no very special circumstances, national and local Green Belt policy provides that to be the case here. As such the presumption in favour of sustainable development does not apply and permission should be restricted.
23. For the reasons given above, the proposal would conflict with the development plan policies, when read as a whole and the Framework. This conflict is not outweighed by the economic and social benefits of a single dwelling.
24. Material considerations do not indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR