



Appeal Decision

Site visit made on 12 September 2018

by N A Holdsworth MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2018

Appeal Ref: APP/K2230/W/18/3196924

Badgers Wood and Robins Hill, Valley Lane, Culverstone, Kent, DA13 0DQ.

- 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 Christmas against the decision of Gravesham Borough Council.
 - The application Ref 20171080, dated 5 October 2017, was refused by notice dated 8 December 2017.
 - The development proposed is described as "the demolition of existing buildings and construction of two new architect designed dwelling houses".
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is located in the Green Belt and so the main issues are:
 - i) Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2018) (the Framework) and any relevant development plan policies;
 - ii) The effect on the openness of the Green Belt;
 - iii) The effect on the character and appearance of the area;
 - iv) Whether the location is appropriate for the residential development proposed, given the accessibility of local services; 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

Whether inappropriate development

3. The site is located within the Green Belt. The Framework makes clear that substantial weight must be given to any harm to the Green Belt, with the fundamental aim of planning policy in relation to such areas being to prevent urban sprawl by keeping land permanently open. Policy CS02 of the Gravesham Local Plan Core Strategy (Adopted September 2014) ("Core Strategy") states

that development will be supported where it is compatible with national policies for protecting the Green Belt.

4. The appellant maintains that the proposal comprises previously developed land. The basis for this assertion is that there are two buildings on the site, along with unused building materials, and that the site has allegedly been the subject of fly tipping in the past. However, I observed that the buildings are small, shed like structures which, on the basis of the photos provided by the appellant, do not appear as permanent buildings. The vast majority of the site has the appearance of an open paddock.
5. Whilst the grass on the site may be regularly mown, there is no significant evidence before me to demonstrate that this is undertaken in connection with an existing lawful residential or commercial use. The Council do not regard the land as previously developed, and the planning history indicates a history of refusals of planning permission and lawful development certificates for various types of development on this land. Overall, the evidence before me is insufficient to demonstrate that the site should be regarded as previously developed land for the purposes of the Framework.
6. Consequently, the proposal would amount to the construction of new buildings in the Green Belt. The Framework is clear that the construction of new buildings in the Green Belt is inappropriate. For the reasons set out above, it has not been demonstrated the site is previously developed land, and there are no relevant exceptions to inappropriate development that would apply to the proposal. I therefore conclude that the proposal would amount to inappropriate development in the Green Belt.

Openness of the Green Belt

7. The plans show that two detached residential buildings would be constructed on the site. These would appear as bungalows with a second storey set within an area of pitched roof. There would also be two freestanding garages, and an associated area of hardstanding around the proposed buildings.
8. The new buildings would significantly exceed the height, scale, mass and overall volume of the two structures currently on the site. The existing appearance of the site as an open paddock would be lost, and there would be a significant increase in built development. This would be readily apparent in views around the site. In visual terms, the site would clearly lose the open appearance that it currently exhibits.
9. Furthermore, the appearance of the development would be consistent with a permanent residential use. The new buildings would be surrounded by driveways and private domestic gardens. In consequence, the use of the site would change to a domestic scene ordinarily associated with a suburban location, and this would be reflected in its appearance. This would reinforce an existing pattern of suburbanisation found along Valley Lane, encroaching on the open and undeveloped appearance of the wider surrounding area. Consequently, in spatial terms there would also be a harmful loss of openness.
10. I appreciate that there is an intention to, amongst other things, retain parts of the site as grassland and woodland, and plant additional trees and native hedgerows as part of the landscaping around the new buildings. However, these visual improvements would not, even cumulatively, overcome the loss of

openness arising from the additional built form and suburbanisation of the site, when considered in relation to its surroundings.

11. The appellant cites a number of planning appeal decisions that, amongst other things, support his view that an assessment of openness extends beyond a quantitative assessment of volume¹. However in this case, for the reasons set out above, there would be both a quantitative and qualitative loss of openness, readily apparent in both visual and spatial terms, when compared with the current position. The proposal would lead to the loss of openness within the Green Belt and I attach significant weight to the harm that would arise, in consequence.

Character and Appearance.

12. Valley Lane sits within a wooded setting and comprises several residential properties, interspersed with open land that has the appearance of enclosed small plots. The site is visible from the road and public rights of way to its side and rear. It forms part of the Harvel Wooded Downs Landscape Character Area ("HWDLCA")
13. The Gravesham Landscape Character Assessment (May 2009) ("LCA") describes one of the key characteristics of the HWDLCA as a haphazard mosaic of residential plots and small holdings set within the woodland. The LCA explains that the uncharacteristic and sporadic settlement of small plots within coppice woodland is a dominant element within the area, creating an incoherent landscape. It goes on to explain that the combination of vegetation and topography create a very enclosed landscape of visual sensitivity with a high capacity for the landscape to absorb inconsistencies within its woodland.
14. In this case, no significant area of woodland would be lost as a consequence of this proposed development. The appellant notes that, rather than seeking to prevent further residential development, the relevant guidelines set out in the LCA generally emphasise the need to achieve a high standard of design where new development is proposed. In this case, the new buildings would be of limited height and of a design sympathetic to the existing buildings along the road, being built using appropriate materials. Furthermore, a native hedgerow would be planted along the site frontage. These measures, and others, could be secured through the use of planning conditions.
15. The new buildings would be visible from the road and public rights of way that surround the field. However, this would be in a context where there are already other residential buildings set along the road in reasonably close proximity to the site, and would be partially screened by landscaping around the relevant site boundaries. In this context, the proposal would not lead to a harmful loss of landscape or an unacceptable encroachment of built form in localised views. In this regard I consider that the proposal differs from the appeal decision relating to a nearby site, cited by the Council², where another Inspector found that there would be harm to the character and appearance of the area arising from the residential development then proposed.
16. On the evidence before me the site is set well away from the boundary of the nearest built up village. It would sit within an enclosed area of woodland. As

¹ APP/M3645/A/12/2168774, APP/M5450/A/12/2167827, APP/H5960/A/11/2156427 and APP/H5960/E/11/2156424.

² APP/K2230/W/15/3003758

such, I do not agree that the proposal would blur the boundary between the built up village and the wooded Culverstone Valley. Whilst the proposal would lead to further built development in a natural setting, on the evidence before me it would be consistent with the guidelines set out in the LCA. Overall, whilst I have found that the suburban appearance of the development would lead to a loss of openness in respect of the Green Belt, there would be no harm to the character and appearance of the area, including the HWDLCA, as a consequence of this development. There is no conflict with policy CS12 or CS19 of the Core Strategy or the LCA which seeks to, amongst other things, conserve the overall landscape character of the Borough.

Location

17. The site is set within a network of very narrow, heavily enclosed country lanes. Both parties draw attention to the comments of another planning Inspector in respect of another development along Valley Lane, who noted that, amongst other things, these roads appear narrow and dangerous to walk or cycle on³. Having visited the site, I agree with this assessment. As such, whilst there are a number of local facilities, as well as bus stops within around 0.8 – 3.1 km of the site in the surrounding area, it is likely that these would in practice be accessed by private motor vehicle on a day to day basis, by future occupiers of the development.
18. I note that there is a network of public footpaths and rights of way, around the site, through which services and facilities could potentially be accessed. However, I observed that the terrain along these routes is generally rough and hilly, reflecting the topography of the land. In my experience, such routes would be ordinarily used for recreational walking as opposed to day to day access to services. Their presence does not deter me from the view that future occupants of this development would be likely to rely on a car to access services.
19. The Council cite the Framework in its third reason for refusal. One of the environmental objectives of sustainable development, set out in paragraph 8 of the Framework, is to move to a low carbon economy. Paragraph 78 of the Framework states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In this case, for the reasons set out above, the likely dependency on the car means that the benefits to rural services in the community are likely to be limited, as services can be easily accessed further afield. Furthermore, as there is no guarantee that future users would use low carbon vehicles, the dependency on a car would not assist with the objective of moving towards a low carbon economy.
20. In this context, having regard to the Framework policies cited above, and policy CS01 of the Core Strategy which applies the policies in the Framework to local decision making, I conclude that the location is not appropriate for the development proposed. However, the development is of a small scale, and only amounts to 2 new units. Having regard to paragraph 103 of the Framework, the degree of environmental harm arising from the characteristics of the site being such that future users would rely on a car to access services is small. It attracts a limited degree of weight in the overall planning balance.

³ APP/K2230/A/12/2168899

Very Special Circumstances

21. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
22. The appellant argues that there would be ecological benefits due to the restoration of calcareous grassland found on part of the site, which would no longer be mown under the proposal. On the evidence before me, this grassland forms part of a non-statutory designated site of ecological value. It would be separated from the remainder of the development and allowed to grow thus, alongside other measures, leading to the protection of habitats and a net biodiversity gain. This would accord with policies in the Framework, and other policies in the development plan, as referred to in the appellants planning statement. In addition, I note the intention to retain existing woodland in accordance with a woodland management plan. I attach a moderate amount of weight to these ecological benefits of the proposed development.
23. The proposal would also deliver two well designed houses which would provide good living conditions for its future occupiers, and sensitively located in relation to its surroundings. It would accord with other development plan policies relating to the detailed design of new dwellings, as cited by the appellant in the planning statement. The new houses would broadly complement the scale and appearance of other residential buildings along Valley Lane. They would be likely to fulfil a housing demand, therefore easing pressure elsewhere within the Borough. It would also lead to additional economic activity, including that generated by construction work. These considerations also weigh in favour of the development and attract a moderate amount of weight, and I note the letters of support for the proposal citing these reasons, amongst others.
24. A residential development would also reduce the risk of fly tipping on the site. Furthermore, it is argued that existing rubbish and derelict structures would be removed from the site, thus improving its appearance including from the public rights of way around the site. However, on the basis of my site visit and the photos provided in the background documentation, I do not agree that these features have compromised the existing appearance of the site. These considerations have little weight in the overall planning balance.
25. However, the considerations that weigh in favour of the proposal do not, even cumulatively, amount to a very special circumstance that justifies inappropriate development in the Green Belt.

Conclusion

26. I have found that the proposed development would amount to inappropriate development in the Green Belt. It would also lead to harm to the openness of the Green Belt and a small degree of environmental harm through the limited accessibility of services. The Framework is clear that substantial weight should be given to any harm to the Green Belt. There are no other considerations that would clearly outweigh the harm by reason of inappropriateness, and the other harm identified, and thus constitute the very special circumstances necessary to justify the development proposed. The proposal conflicts with policies CS01 and CS02 of the Core Strategy, along with the relevant parts of the Framework which seek to, amongst other things, maintain the purpose of the Green Belt whilst moving towards a low carbon economy. The proposal conflicts with

policies in the development plan and policies in the Framework, and the presumption in favour of sustainable development does not apply. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR