



Appeal Decision

Site visit made on 8 January 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/K2230/W/24/3345209

Horns Oak Farm, Horns Oak Road, Meopham, Kent DA13 0BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs CE Tarr against the decision of Gravesham Borough Council.
 - The application Ref is 20240215.
 - The development proposed is redevelopment of site. Demolition of existing commercial, stables and 1no. two bedroom apartment. Erection of up to 5 No. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for demolition of existing commercial, stables and 1no. two bedroom apartment. Erection of up to 5 No. dwellings at Horns Oak Farm, Horns Oak Road, Meopham, Kent DA13 0BX in accordance with the terms of the application, Ref 20240215, dated 4 March 2024.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have had the opportunity to comment on this and I have taken account of the comments made.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The Permission in Principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
5. An applicant can apply for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, the Planning Statement submitted with the application confirms that the proposal is for up to 5 No. dwellings, which would represent a net increase of 4 residential units on the appeal site. I have therefore interpreted this as permission being sought for the erection of a minimum of one and a maximum of five dwellings at the appeal site. I have amended the description of development in the banner heading accordingly.

6. The appellant has submitted drawings which show, amongst other things, site layout, the proposed development area, the positions of proposed dwellings and elevations of each unit. For the avoidance of doubt, I have determined the appeal on the basis that these are indicative drawings.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, having particular regard to:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and its effect on the openness of the Green Belt;
 - (b) The effect of the proposal on the character and appearance of the surrounding area including the Kent Downs National Landscape; and
 - (c) Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify it.

Reasons

Whether Inappropriate Development

8. The Framework stipulates that development in the Green Belt should be regarded as inappropriate unless it accords with one of the exceptions set out in the Framework. Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (LPCS) is broadly consistent with the Framework's objectives of seeking to protect the Green Belt and maintain its purposes.
9. The Council assessed the proposal under Paragraphs 154 (e) and 154 (g) of the Framework and concluded that the proposal would not meet either exception. The appellant has not sought to challenge the Council's consideration of Paragraph 154 (e). Consequently, there is no need for me to address this Paragraph in my decision.
10. The appellant does challenge the Council's findings in relation to Paragraph 154 (g). None of the other exceptions to inappropriate development set out in the Framework were identified by the main parties as being relevant to the proposal.
11. In the latest version of the Framework, the exception in Paragraph 154 (g) is whether the development would constitute limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. There is no dispute between the main parties that the site is previously developed land (PDL) and so the key issue is whether there would be substantial harm to the openness of the Green Belt.
12. There is no dispute between the main parties that the illustrative drawings for the site demonstrate that five dwellings could be accommodated on site whilst achieving a 52.4% decrease in footprint and 52.8% decrease in volume when compared to the existing building. The illustrative drawings also demonstrate that

five dwellings could be accommodated within the footprint of the existing building. The Council acknowledges that the illustrative elevations of the two storey houses show a maximum height which would match that of the existing building.

13. The Council's concerns regarding openness were not therefore primarily to do with the possible built form but the effect of the resulting additional activity, car parking, domestic paraphernalia etc. At the time the Council determined the planning application the test in the Framework was whether there would be a greater impact on Green Belt openness than the existing development. This has now been revised to whether there would be a substantial harm to the openness of the Green Belt. In providing comments on the revised Framework, the Council has not sought to update its assessment of the issue of openness.
14. The indicative layout drawing shows that the existing car parking area could be re-configured to accommodate the 12 car parking spaces required for the dwellings. Although only a snapshot of a weekday lunchtime, there were at one point nine cars parked around the building during my site visit. An additional three cars would not visually appear very different from what I saw on site.
15. During the time I was on site there were vehicular arrivals and departures and people attending to horses in the stables. Given the mix of uses on site and my own observations I have no doubt that during the week there is currently a reasonable level of activity, vehicular movements and parked cars in and around the site. There is no substantive evidence before me to demonstrate that up to five dwellings would necessarily lead to a significant uplift in parked cars and activity, particularly during the week.
16. At weekends the site is currently likely to be quieter than during the week. Nevertheless, the site would still be subject to some visits/activity from those looking after the horses and any occupants of the flat within the existing building. Any uplift in activity at weekends from the proposal is most likely to be around the buildings and so within a relatively contained area. It would no doubt be concentrated in the residential gardens, which in turn have the potential to lead to the spread of domestic paraphernalia.
17. The indicative drawings show that some garden areas could be set between dwellings and the site's southeastern boundary, thereby minimising the extent to which they and any activity or paraphernalia within them would be seen within a wider context. Gardens situated near the northern site boundary might be less enclosed by buildings and thus exposed to wider ranging views.
18. Despite the presence of some planting to the site boundaries any gardens on the more exposed northern boundary could result in some harm to the spatial and visual openness of this part of the Green Belt. The scale of this harm would depend upon such factors as the exact size and position of the garden areas, the extent of any additional landscaping requirements and restrictions on outbuildings etc. This would be a matter for the TDC stage, but the illustrative drawings suggest that any impact could be contained and limited.
19. The illustrative site layout includes a new access for the new dwellings. The drawings show it to the north of the existing farmhouse and through its existing garden. Although the drawing is illustrative, in reality any new access would be in this general location. Given it is on relatively level ground and within an existing residential curtilage, any visual or spatial effects of it on openness would be

limited. Any vehicular movements along the access would only really be visible from longer-range views to the north, but such happenings would be transient with an ephemeral impact, only occurring at limited times.

20. Taking the above findings as a whole, the development of five dwellings would result in some uplift in activity, car parking, movements, domestic paraphernalia etc. Collectively these could result in some limited harm to the spatial and visual openness of this part of the Green Belt. However, given the amount and type of development proposed, when this is assessed against the existing situation and having regard to the information submitted, I do not find that such a development would result in substantial harm to openness.
21. The Framework sets out five purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. Given the information before me, the proposal would be able to redevelop the existing PDL without extending into the adjacent countryside. The proposal does not therefore conflict with this or any of the other Green Belt purposes identified within the Framework.
22. Consequently, the proposal is not inappropriate development and accords with Policy CS02 of the LPCS and with the Framework, which seek to protect the Green Belt from harm.
23. Given my findings on this issue, there is no requirement to assess other considerations to determine whether very special circumstances exist.

Character and Appearance

24. The appeal site is within the Kent Downs National Landscape (KDNL) an area designated for its landscape and scenic beauty. There is limited evidence before me in relation to the landscape characteristics and qualities of the KDNL. Nevertheless, I observed on my site visit that the area in which the development would be appreciated is generally characterised by rolling countryside, including some steeper valleys, of a pastoral nature, punctuated by areas of woodland and individual buildings, farmsteads or small groups of buildings.
25. Policy CS12 of the LPCS is broadly consistent with the Framework in seeking to conserve and enhance the landscape and natural beauty of the KDNL. This policy also seeks to ensure proposals take account of the Landscape Character Area Assessment (LCAA). The LCAA has identified the appeal site as being within the Harvel Wooded Downs, Landscape Character Area (HWDLCA). From what I have read and what I saw, the characteristics of the HWDLCA largely mirror those of the wider National Landscape.
26. The appellant suggests that the Council's second reason for refusal and consideration of landscape issues goes beyond the remit of the permission in principle considerations. However, the Framework requires that great weight is given to conserving and enhancing the natural beauty of the National Landscape. Therefore, a fundamental question of whether the site is a suitable location for the development necessarily requires consideration of its effect on this wider landscape.
27. The existing building on site is of relatively simple design and has a largely utilitarian appearance. It is positioned close to the rear of the existing farmhouse. Longer distance views of the site and appeal building would be set against treed

landscape and the built form does not readily extend above the tree canopy, particularly in views from the north. As such the existing building has a limited contribution towards the wider rural character or landscape beauty of the area.

28. Five new dwellings would have the potential to create a more residential context and erode the rural character of the area. However, given that the new buildings could be kept well within the footprint and envelope of the existing building, the risk of harm to the wider area would be limited.
29. Furthermore, the design and appearance of the buildings could be of a vernacular style and would not necessarily be limited to the illustrative designs submitted at this stage. The Council retains control over matters such as siting, design, appearance and external materials through the TDC process. Any approval for the first stage of permission in principle does not automatically mean that technical details approval will follow. It takes approval of both stages for planning permission to be secured
30. The new access would inevitably result in the loss of one or two trees which run alongside the existing driveway but their loss, whilst noticeable, would not be significant within the overall context and setting of the site. At the TDC stage, consideration of any additional and/or compensatory planting to supplement the existing/retained trees could also be considered.
31. Whilst recognising the wider rural character of the area, there are some urbanising features near to the site. The appeal building and existing residential dwelling have an existing access off the public highway and collectively this gives the site a developed appearance. Furthermore, there are other dwellings along Horns Oak Road, some of which are visible from the appeal site. These all help to define the immediate context and so help to limit the extent to which the development would be perceived as having an undue sense of urbanisation.
32. All of this means that any intrusion of the development into the wider landscape could be minimal, and so I do not consider the proposal would necessarily harm the character and appearance of the area or the landscape character and scenic beauty of the Kent Downs National Landscape. As such, this is not an issue that weighs against the location, use or quantum of development proposed.
33. Therefore, I do not find the proposal contrary to Policy CS12 of the LPCS which, amongst other things, states that the overall landscape character of the Borough will be conserved, restored and enhanced. There would not be conflict with the aims of the Framework which seeks to conserve and enhance the natural environment.

Other Matter

34. The Council refers to two appeal decisions. However, it appears that both were full planning applications and rejected, at least in part, on the basis of not constituting limited infilling within a village. Furthermore, one of the schemes did not involve the removal of any existing building on site and the other was found to cause harm to openness of the Green Belt. As such, they involved different Green Belt considerations from the ones before me and are not directly comparable to the scheme at Horns Oak Farm.

Conditions

35. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. Therefore, I have not imposed any conditions.
36. Where permission in principle is granted by application, such as this, the default duration of that permission is three years, and there is no justification to vary this period in this case.
37. The Council has suggested informatives be included in the decision, should the appeal be allowed, listing the documents required to be submitted with a technical details' application. This is not necessary.

Conclusion

38. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should be allowed and so permission in principle for up to five dwellings is granted.

Stewart Glassar

INSPECTOR