
Appeal Decision

Site visit made on 18 November 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/K2230/W/25/3371111

Land at Stoney Wood, Wrotham Road, South Street, Meopham, Kent DA13 0QG

- 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 Mr Tye against the decision of Gravesham Borough Council.
 - The application Ref is 20250539.
 - The development proposed is change of use of land from agricultural to C3 dwellinghouse, proposal to convert the existing agricultural barn into a single self build dwelling with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The consultation was accompanied by a Written Ministerial Statement. Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and therefore carry limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and I am satisfied that this has not prejudiced any party. In reaching my decision, I have had regard to the latest version of the Framework published in December 2024.
3. An amended 'proposed barn plans & elevations' (reference: 2421 P 120 Rev A) drawing forms part of the plans submitted to the Council by the appellant. Whilst the superseded version of this drawing is listed on the decision notice, the Council has confirmed that the amended drawing was considered by them as part of the determination of the planning application. I therefore taken the revised drawing into consideration.

Background and Main Issues

4. The appellant sought planning permission for a self-build dwelling and claimed exemption from Biodiversity Net Gain (BNG) requirements. In the interests of natural justice, both main parties were invited to comment on whether BNG should be considered as a main issue in the appeal and the mechanism for the proposed development to be secured as self-build and the implications on BNG. I have taken the comments received in response into account. Further comments were also received in relation to the development and the 'de minimis' exception to BNG, which I have also taken into account.

5. Whilst this matter was not a reason for refusal, the issue is of such fundamental importance that it cannot be reasonably discarded. I have therefore dealt with it as a main issue in my decision.
6. The main issues are therefore:
 - Whether the requirements of BNG are relevant to the proposed development and, if so, whether such requirements are met;
 - The effect of the proposed development on the rural character of the area, having regard to the Meopham Downs Landscape Character Area.
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and,
 - Whether the location of the proposed development is suitable having regard to local spatial policy.

Reasons

BNG

7. BNG is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework, unless specifically exempt, if planning permission were granted, the proposed development would be subject to the mandatory BNG condition, which requires development to deliver at least a 10% increase in biodiversity.
8. The Council's Delegated Report confirmed the proposed development would be exempt from the BNG condition due to the number of units proposed, site size, and its classification as self-build. Both parties were asked to clarify how self-build status would be secured if permission were granted, as this was unclear from their evidence.
9. The appellant suggested a condition to secure the dwelling as self-build, requiring a BNG plan to be submitted and approved if not occupied as such. However, even if this condition is representative of conditions used by Councils within the surrounding area, I am not persuaded that such a condition restricting occupancy would meet the tests set out at paragraph 57 of the Framework, in terms of enforceability.
10. The Council indicated that a Unilateral Undertaking would be needed to secure the development as self-build. In my judgement, a planning obligation would be the most appropriate mechanism to secure the development as self-build housing, as it would run with the land, be legally binding and enforceable. No such obligation has been submitted. There is therefore no mechanism before me to secure the development as a self-build dwelling and the self-build exemption cannot apply.
11. The Preliminary Ecological Assessment (PEA)¹ sets out that the development would be exempt from the BNG condition as it falls within the 'de minimis' exemption category. This exception applies where development does not impact a

¹ DKS/1543.1 Preliminary Ecological Appraisal and Preliminary Roost Assessment - 19th May 2025

priority habitat, impacts less than 25 square metres of on-site habitat and 5 metres of on-site linear habitats. However, the Council considers that the development would not fall within this exemption because of the additional works required to serve the dwelling.

12. The Planning Practice Guidance (PPG) indicates that, when providing reasons for the de minimis exemption, the appellant should provide sufficient evidence to support their justification². The proposed block plan drawing shows a new patio, and an extended track forming a driveway and turning head totalling 85 square metres. The development would therefore utilise some of the land around the barn, and it is unclear whether the PEA considered this when assessing the 'de minimis' exemption. Given these additions, it has not been sufficiently demonstrated that the development would not impact less than 25 square metres of on-site habitat. As such, I cannot be certain that the 'de minimis' exemption would apply.
13. Based on the information before me, both BNG exemptions put forward by the appellant are discounted. With no valid exemption, the development would be subject to the BNG condition and the minimum information requirements as detailed under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The failure to provide the necessary information would not satisfy the statutory minimum information requirements. The PPG identifies the statutory provisions as an important material consideration, which represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning³. This would significantly weigh against the proposed development.

Rural character

14. The proposed development relates to the conversion of an existing barn within a field. Given its design, use and the largely undeveloped setting, the barn has a somewhat agricultural appearance and character. The site is surrounded by fields and is predominantly open in nature, albeit with considerable tree and shrub planting along the rear site boundary. Although there is scattered development nearby, clusters of buildings are typically separated by open fields, giving the immediate area a distinctly rural character despite the presence of a roadside footpath. The site is not visible from any public views.
15. The site falls within the Meopham Downs Landscape Character Area (the Meopham Downs LCA). The Gravesham Landscape Character Assessment 2009 sets out that the Meopham Downs LCA is characterised in part, by gently undulating topography with clear views across the immediate landscape and occasional wider views from the main road, with a mixture of arable and pasture farmland and different field shapes and sizes and traditional architecture surrounding village greens, which provides local vernacular.
16. Although appropriate materials are proposed, adding windows to the barn's front and side elevations would give it a domestic appearance. Despite the limited number of openings, this would erode its rural character. While the footprint would remain unchanged, the patio, garden, and driveway, along with residential activity and paraphernalia, would further domesticate the site. Even though there are other houses in the Meopham Downs LCA, this urbanising effect would undermine the

² Paragraph: 004 Reference ID: 74-004-20240214

³ Paragraph: 020 Reference ID: 74-020-20240214

site's rural characteristics which contribute positively to the LCA. Even with conditions controlling hedgerow planting, landscaping, and external lighting, these measures would do little to offset the domestication of the site that would occur through its change to a permanent residential dwelling.

17. For the above reasons, I find that the proposed development would have an adverse effect on the rural character of the area and would cause harm to the Meopham Downs LCA. The harm would be limited on account of the scale of the development proposed, the extent of the LCA that would be affected and that the appeal site is heavily screened on its rear boundary and would only be seen from private views. Nevertheless, the proposed development would conflict with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 (the Core Strategy), these policies amongst other things, require development to make a positive contribution to the character of the area and the landscape character to be conserved, restored and enhanced. It would also conflict with the guidance set out in the Design for Gravesham Design Code Supplementary Planning Document 2024.
18. The reason for refusal refers to Gravesham's Householder Design Guide 2021, however as the application does not relate to a householder extension or alteration, it is not applicable.

Inappropriate development

19. The site is within the Green Belt. Policy CS02 of the Core Strategy broadly conforms to the general thrust of the Framework, setting out that development will be supported where it is compatible with national policies for protecting the Green Belt.
20. The main parties agree that the appeal site falls within the definition of Grey Belt and would meet parts a) and b) of paragraph 155 of the Framework, with part d) not applicable. Based on the evidence, I have no reason to reach a contrary view. To meet this exception, all criteria of paragraph 155 must be met. Whether the proposed development would meet this exception is therefore contingent on part c) - whether the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.
21. Although the site is outside of a settlement, Meopham Green and Culverstone Green can be reached by walking along a pedestrian footpath. I am advised that there are a primary school, secondary school, nursery, church, public house, café, shop, leisure centre, library and medical practice within a 25-minute walk from the site, which are capable of meeting some day-to-day needs. I appreciate that the length of this walk and because the footpath is unlit, could deter future occupiers from walking or cycling to these settlements. However, the area is served by a local bus service, and the nearest bus stop is a relatively short walk away from the site.
22. Neither main party has provided me with the bus timetable, but the Council indicate it has a limited service. Notwithstanding this, as recognised at paragraph 110 of the Framework, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. There is no substantive evidence to suggest that the bus service would not provide a realistic alternative to private car use. Future occupiers of the

proposed development could therefore access services and facilities in nearby settlements by foot or by bus and would therefore not be wholly reliant on use of a private car.

23. Extracts from other appeal decisions have been listed in the Council Delegated Report which also consider sustainable locations. In the land south of White Post Lane⁴ decision, access to the nearest settlements is via a narrow, unlit lane without a footpath, unlike the appeal site, which is connected to the nearest settlement by a footpath. The reliance on private car would therefore not strictly be the same. In the land at Walnut Hill Nursery⁵ decision, the Inspector noted the countryside location and unclear bus frequency. It is not clear if walking was a suitable alternative transport mode, like it is in the case before me. Similarly, in the White Post Farm⁶ decision, the site was deemed unsustainable due to the road network of circuitous rural lanes, a description not applicable to the appeal site as there is a footpath along the road.
24. Due to the differences I have identified, I can draw no direct parallels between these appeal decisions and the circumstances of this case before me. Nevertheless, each development should be judged on its individual merits, and I have come to my own view regarding the proposed development.
25. For the above reasons, within the context of its rural location, the proposed development would be located in a sustainable location, fulfilling the requirement of part c) of paragraph 155 of the Framework. The proposed development would utilise Grey Belt land, there is a demonstrable unmet need for housing, it would be in a sustainable location, and the Golden Rules are not applicable.
26. I therefore find that the proposed development would satisfy the criteria of paragraph 155 of the Framework and would therefore not be inappropriate development within the Green Belt. Accordingly, it would not conflict with Policy CS02 of the Core Strategy. Having reached this conclusion, it is not necessary for me to consider whether or not the proposed development would meet any of the other exceptions listed in the Framework. Furthermore, where a development is found not to be inappropriate development, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it.

Location

27. Policy CS01 of the Core Strategy states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development. The Council's spatial strategy, as set out in Policy CS02 of the Core Strategy, is to prioritise development in urban areas and opportunity areas. In rural areas, development is supported within defined rural settlements. Development outside those settlements will only be supported where it is compatible with national policies for protecting the Green Belt. Consistent with this approach, paragraph 84 of the Framework advises that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply.

⁴ Appeal Ref: APP/K2230/W/25/3363212

⁵ Appeal Ref: APP/K2230/C/25/3358530

⁶ Appeal Ref: APP/K2230/C/23/3328720

28. The Court of Appeal⁷ have held that the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, 'isolated' in this sense is a matter of fact and planning judgment for the decision-maker.
29. The proposed dwelling would be quite far into the appeal site, but along the road adjacent to the site, there is a church and a few houses. I have also found that the site is reasonably well located in terms of a sufficient choice of travel modes other than private car. Given the presence of nearby housing, and the proximity and access to nearby settlements, the proposed dwelling would not be isolated in the context of paragraph 84 of the Framework.
30. I therefore find that the location of the proposed development is suitable having regard to local spatial policy and would not conflict with Policies CS01 and CS02 of the Core Strategy, the purposes of which have been set out above.

Planning Balance

31. The development would deliver an additional home. Although this would make a small contribution to the area's housing supply, every home matters. As it is a small site, it could also be delivered quickly. However, one additional residential unit would be limited in this context. Some social and economic benefits would also stem from employment associated with the construction phase, and future occupiers would bring trade to nearby shops and services. However, these benefits would be limited given the scale of development under consideration.
32. The Planning Statement indicates that the development is intended to be occupied by the appellant to improve security of the site, addressing ongoing crime issues. However, as the details are limited, this carries little weight.
33. The proposed development would not be inappropriate development in the Green Belt, would be located in a sustainable location and would not be isolated. It complies with Policies CS01 and CS02 of the Core Strategy, which are broadly consistent with the Framework in protecting Green Belt land and seeking sustainable development. However, it would have an adverse effect on the rural character of the area, causing harm to the Meopham Downs LCA, conflicting with Policies CS12 and CS19 of the Core Strategy. These policies are consistent with the Framework in taking into account the desirability of maintaining an area's prevailing character and in seeking developments that are sympathetic to local character. The conflict between the proposed development and Policies CS12 and CS19 therefore carries significant weight, and there would be conflict with the development plan as a whole.
34. I have also found insufficient evidence that the proposed development would comply with the statutory provisions for BNG, under the requirements of Schedule 7A of the Town and Country Planning Act 1990, which is a matter of principal importance to which I give significant weight.
35. The Council cannot currently demonstrate a five year housing land supply, with a supply of three years. As I have not found harm to the Green Belt, the requirements of paragraph 11(d)(ii) of the Framework therefore apply.

⁷ Braintree District Council v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

36. The Framework promotes an effective use of land in meeting the need for homes and seeks the delivery of a sufficient supply of homes to support the Government's objective to significantly boost the supply of homes. On the other hand, the Framework is clear that good design is a key aspect of sustainable development. It states that development should add to the overall quality of the area, and development that is not well designed should be refused, especially where it fails to reflect local design policies. It also sets out that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and providing net gains for biodiversity.
37. Set against the harm identified, the scale of benefits associated with the development would be limited, even taking into account the Council's housing land supply shortfall. The adverse impacts on the rural character of the area, including the limited harm to the Meopham Downs LCA, and the failure to comply with the statutory provisions for BNG, would significantly and demonstrably outweigh the benefits outlined above, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development would not apply.

Conclusion

38. The proposed development conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR