



Appeal Decision

Site visit made on 31 October 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/K2230/W/24/3341718

Rhydda Bank, Dean Lane, Harvel, Gravesend, Kent DA13 0BS

- 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 Frank Pyke against the decision of Gravesham Borough Council.
 - The application Ref is 20230845.
 - The development proposed is described as proposed three bedroomed bungalow with attached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form and decision notice. While different from the appeal form, it still provides an accurate location of the appeal site.
3. In November 2023, Areas of Outstanding Natural Beauty (AONBs) were renamed National Landscapes (NL). I have therefore referred to the National Landscapes in my decision, except where legislation or policy documents continue to refer to AONBs. Both the main parties also reference the North Downs AONB. From the evidence before me the North Downs NL in so far as it relates to the appeal scheme forms part of the Kent Downs NL and I have considered the appeal on this basis.

Main Issues

4. The main parties have agreed that the proposal would be limited infilling for the purposes of the National Planning Policy Framework (the Framework) paragraph 154 exception g). I see no reason to dispute that position.
5. Therefore, the main issues are as follows:
 - the effect of the proposal on the openness of the Green Belt;
 - whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities;
 - the effect of the proposed development on the landscape, character and appearance of the surrounding area;
 - biodiversity;

- highway safety; and
- whether any 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 proposal.

Reasons

Openness

6. The appeal site occupies a prominent position adjacent to the road. Despite the presence of an existing hedge at the time of my visit, there was visibility through it, which would likely increase further during the winter months. Therefore, the site of the proposed dwelling is visible from a public vantage point along Dean Lane. The large garden to the side and front of the host dwelling (Rhydda Bank) lacks significant built form or domestic paraphernalia, resulting in a relatively open and verdant site. Therefore, this part of the garden makes a significant contribution to the openness of the Green Belt.
7. Policy CS02 of the Gravesham Local Plan Core Strategy (CS) sets out the scale and distribution of development across the Borough. It states that development outside of settlements will be supported where it is compatible with national policies for protecting the Green Belt. The Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness of the Green Belt has a spatial aspect as well as a visual aspect. Both aspects therefore need to be considered.
8. While the proposed development would be single-storey, it would introduce an increased quantum of residential development onto a site that appears generally open and free from any significant permanent development. Therefore, the introduction of the proposed built form would have a significant adverse impact on the openness of the Green Belt in spatial terms.
9. With regard to the visual aspect and as stated above, the appeal site is fairly prominent, given its proximity to the road. The proposed dwelling would follow a similar building line to the adjoining residential dwelling of Nemora. There would then be a modest-sized gap with a greater off-set distance to Rhydda Bank. This ribbon development contrasts with the less developed open spaces east and west of the site. Given the dwelling would be located amongst the existing dwellings, the effect on the visual aspect of openness of the Green Belt would be limited, but there would be harm nonetheless.
10. For these reasons, while the proposal would amount to limited infilling the proposed development would not preserve the openness of the Green Belt in both visual and spatial terms. It would therefore comprise inappropriate development in the Green Belt. The proposed development would therefore not comply with the Framework or Policy CS02 of the CS.

Suitable location

11. CS Policies CO1 and CO2 collectively seek to provide sustainable development that will improve the existing housing stock. New housing development will be distributed throughout the Borough. Development outside settlements which maintain and diversify the rural economy will be supported where they are compatible with national and local policy.

12. The appeal site is located near a small group of dwellings. It is, therefore, not isolated for the purposes of the Framework. Not being isolated for the purposes of the Framework does not however mean that a site is in a sustainable location.
13. The appellant has highlighted the nearby settlements of Meopham and Vigo, which I do not dispute have many services and facilities for day to day living. However, to access services and facilities in these locations, the occupants of the proposed dwelling, when not using a private motor vehicle, would have to walk and cycle along routes that are not particularly wide, mostly unlit and lack dedicated footways or cycle lanes. This is likely to discourage any future occupiers of the development from walking or cycling to gain access to these services and facilities. These routes would also be even less attractive for use outside of daylight hours or inclement weather.
14. The appellant states that Meopham and Vigo provide additional public transport routes and options. I have not been provided with any substantive evidence of how future occupiers would access these transport options given my findings above and in the absence of details of any nearby public transport or timetables of routes. Therefore, it is likely that future dwelling occupiers will be highly reliant on private cars to meet their daily needs. This is an adverse matter to which I afford significant weight.
15. My attention has been drawn to a number of approved schemes¹. However, these examples relate to replacement dwellings or works to an existing dwelling and are consequently materially different to the appeal scheme. I, therefore, cannot draw any direct comparison that weighs in favour of the proposal and find it would not make effective use of the site.
16. For the reasons above, the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. It therefore conflicts with CS Policies CO1 and CO2, which, amongst other things, seek to promote sustainable development and direct development to towns and villages.

Character and appearance

17. As identified above, the appeal site represents part of the undeveloped garden of Rhydda Bank and is situated adjacent to Nemora so has residential properties to either side. There is a mix of styles to nearby dwellings, but a characteristic feature they all share is being situated within large plots that reinforce the verdant character of the locality and the wider rural landscape. Consequently, the appeal site currently makes a positive contribution to the intrinsic rural character and appearance of the immediate and wider area.
18. The site lies within the Harvel Wooded Downs Landscape Character Area (HWDLCA) as defined by the Gravesham Landscape Character Assessment (Gravesham LCA). HWDLCA describes some of the key characteristics of the area as a haphazard mosaic of residential plots and small holdings set within the woodland and varied topography including narrow lanes. The site is also located in the Kent Downs NL, which has its own Management Plan that sets out key characteristics of this protected landscape.

¹ Refs: 20150741, 20200230 and 20170545

19. The Council have raised no objection to the design of the dwelling, and given the variety and style of dwellings nearby, I see no reason to disagree. However, the subdivision of the existing garden would result in an uncharacteristically small plot. Whilst the proposal would be single storey, the site's development with a dwelling of the size proposed would appear cramped when viewed in relation to the surrounding large, verdant gardens.
20. Additionally, the appellant states a new shed will be provided for the future occupiers that will store 3 cycles and garden tools. This is likely to further reduce open space, emphasizing the cramped nature of the proposal. Even if I was to accept that the timber shed, polytunnel and timber frame structure associated with Rhydda Bank was to be removed this would not overcome the appeal site being dominated by built form and thus overdeveloped. Consequently, the proposal would distinctly be at odds with the spacious character and appearance of the surrounding area.
21. When completed the design, existing hedging and boundary treatments, alongside being sited between two existing dwellings, would see the development assimilating into the surrounding landscape. Given the limited space and nearby gardens, domestic paraphernalia would also appear in keeping with the area. However, the development would see the removal of an area of hedging for the proposed access. Existing hedging helps form the narrow lanes that are important and distinctive features of the landscape, which contribute positively to the qualities of this protected landscape. For these reasons, the proposed development would cause some minor harm to the landscape and scenic beauty of the Kent Downs NL.
22. For the reasons above, the development would have an adverse impact on the character and appearance of the area, including the wider landscape, contrary to CS Policy CS12, which states that the overall landscape character of the Borough will be conserved, restored and enhanced. It would also fail to accord with Policy CS19 of the CS, which seeks to conserve and enhance the character of the local built and natural environment and integrate well with the surrounding local area.

Biodiversity

23. CS Policy CS12 requires no net loss of biodiversity. The Council has also stated that the appeal site is located within a biodiversity opportunity area and adjacent to a local wildlife site. Additionally, to the north is a BAP Priority Habitat. The appeal site itself is grassed over, with well-established hedges to two edges of the site.
24. To construct the new access, a section of mature hedgerow would need to be removed to facilitate the required visibility splays. Given the length of the hedgerow and its connection to nearby fields and woodlands, this could have the potential to result in habitat fragmentation or loss. Additionally, a proportion of the grassed area would be lost to built form.
25. The appellant states the Council can guess any potential loss and a biodiversity report can be provided as a condition. However, based on my findings above in relation to the cramped nature of the development, there is no substantive evidence before me that sufficient space would be available to ensure no net loss of biodiversity or that opportunity to explore biodiversity

enhancement could be achieved. A planning condition would therefore not be appropriate.

26. Consequently, I cannot be sure the appeal scheme would, at a minimum, ensure no net loss of biodiversity. As such, the proposal fails to accord with CS Policy CS12.

Highway Safety

27. The appeal site is located off a fairly straight but narrow section of road. Given these conditions, vehicles are highly likely to move slowly in the immediate vicinity of the access. Furthermore, given the site's remote location, high volumes of vehicles would be unlikely to travel along this route as it serves few properties. In that context, I see no reason to conclude that the coming and going of the vehicles associated with the future occupiers would result in detrimental highway safety issues.
28. However, the appellant has failed to demonstrate how the appeal site would be serviced, such as for foul sewerage, if a larger vehicle was required. While a larger section of hedgerow could be removed this would likely impact the character and appearance of the area. A smaller opening is likely to require more awkward vehicular manoeuvres into and out of the proposed access. If a larger vehicle cannot enter the appeal site, it will block the lane. As a result, waiting vehicles will potentially attempt to reverse along the lane, resulting in a hazard to other road users on this narrow section of the highway. Therefore, the appeal scheme has failed to demonstrate it would ensure a satisfactory means of access and servicing.
29. My attention has also been drawn to nearby dwellings not connected to a main sewer. However, I do not have the full details of these dwellings arrangements, and in any event, I have determined the scheme on its own merits.
30. Overall, on the basis of the evidence before me, the proposed development fails to demonstrate that safe and suitable access to the site could be achieved. Consequently, it has not been shown that there would not be an unacceptable impact on highway safety. This would be contrary to CS Policy CS11 and Policies T1 and T5 of the Gravesham Local Plan First Review.

Other Matters

31. The garden area of Rhydda Bank is large enough for a dwelling to be constructed on. Nonetheless, it would not be an acceptable form of development for the reasons set out above.
32. I note the appellant's comments on extending the site area. However, I have determined the appeal as submitted to the Council and on which interested parties have been consulted. Moreover, as directed by the appeal procedure guide² if the appellant thinks that amending their application will overcome the LPA's reasons for refusal, they should normally make a new planning application.

² Procedural Guide: Planning appeals – England Updated 17 September 2024

Other considerations

33. Substantial weight should be given to harm to the Green Belt and “very special circumstances” will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
34. In addition to harm to the Green Belt, the proposal would be harmful to the character and appearance of the area including the wider landscape of the Kent Downs NL. It would also result in a dwelling in an unsuitable location. As such, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by the Framework, nor would it be the sustainable development that it seeks to promote in rural areas. I have also found it would give rise to harm to biodiversity and highway safety.
35. Against those substantial harms, the proposal would provide an additional dwelling to the Council’s housing supply. One additional property would be in line with the Government’s aim to boost the supply of housing and offer the opportunity for people within the local community to find a more affordable home. The Council can only demonstrate a land supply of 2.9 years and the delivery of housing has been substantially below that required by the Housing Delivery Test. I therefore afford this great weight although I recognise that one dwelling offers only a limited benefit.
36. However, there is no mechanism before me to ensure the property would be affordable and no substantive evidence has been provided to demonstrate a specific local need in this area. As such, only limited weight can be given to these matters.
37. I recognise that there would be some economic benefits from the proposal, both during the construction phase and as a consequence of future occupier spending, to which I afford moderate weight. Given the size of the site, I also attach limited weight to the environmental benefits of a single sustainably built new dwelling on site.
38. Accordingly, having considered all the matters raised as other considerations in support of the development, I conclude that they do not clearly outweigh the substantial harm that I have identified by reason of inappropriateness in the Green Belt and other harms. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning balance

39. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
40. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

41. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, including the Framework that outweighs the identified harm and associated development plan conflict. Therefore, the appeal should be dismissed.

A Hickey

INSPECTOR