
Appeal Decision

Site visit made on 31 October 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/K2230/W/24/3343979

Chalk Pit Cottages, Green Farm Lane, Shorne, Gravesend, Kent DA12 3HN

- 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 Suki Randhawa against the decision of Gravesend Borough Council.
 - The application Ref is 20231171.
 - The development proposed is erection of a new dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect upon the openness of the Green Belt;
 - the effect of the proposed development on the landscape, character and appearance of the surrounding area;
 - biodiversity; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is located within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework goes on to state that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. One such exception, criterion e), being limited infilling in villages.

5. 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.
6. The term village is not defined in the Framework. The appellant states the appeal site is not within a defined village or settlement boundary, and neither is it closely bound by one but is bounded by dwellings to the north and side. When considering whether a site is in a village, case law has established the decision maker should have regard to the situation on the ground, as well as any relevant policies.
7. With the exception of the small number of dwellings to the north and south of the appeal site, the overall feel is one of a detached location, outside of any village setting, given the limited amount and layout of development. Moreover, there is a lack of communal facilities and services for the existing residents in the immediate vicinity. As such, the appeal site could not be reasonably described as representing a village setting.
8. As I have found the appeal site is not within a village, there is no reason for me to conclude on if the proposal would constitute limited infilling, as it would not be within a village setting and consequently, the proposal would not meet the exception set out in paragraph 154 e) of the Framework.
9. For the above reasons, the proposal would constitute inappropriate development in the Green Belt and would be contrary to CS Policy CS02 and the Framework.

Openness

10. The fundamental aim of the Green Belt is to prevent urban sprawl and encroachment into the countryside by keeping land permanently open and free from development. Openness is an essential character of the Green Belt that has both a spatial and visual aspect.
11. The appeal site is visible from public vantage points along the road. The proposal would include open areas on either side of the dwelling, representing a low-density development set back from the road. Nevertheless, it would still be a substantial building in an exposed setting. Part of the dwelling would be screened from public view as a result of the dwellings to either side. However, views of the proposed dwelling would still be possible. As such, the proposal would reduce both the spatial and visual openness of the Green Belt in this location.
12. The appellant has not specifically drawn my attention to exception g) of paragraph 154 of the Framework but has nevertheless referred to infilling. However, as I have found the proposal would have a greater impact on the openness of the Green Belt, it still therefore, represents inappropriate development in the Green Belt.

Character and appearance

13. The appeal site represents a vacant and undeveloped plot of green land that is devoid of built development, with residential properties on either side. It currently provides a significant gap between the dwellings, reinforcing the verdant character of the locality and the wider rural landscape. The open site

also allows for relatively long views of the fields to the front and rear. Consequently, the appeal site currently makes a positive contribution to the intrinsic rural character and appearance of the immediate and wider area rather than detracting from it.

14. The site is within the Higham Arable Farmlands Landscape Character Area, which is defined by gently undulating topography with scattered properties with a locally distinct style which contributes to the rural character of the area. The assessment recognises that the overall condition of the landscape is poor and has a moderate sensitivity to change.
15. Although the site is partially screened by the existing dwellings, the lack of built development and size of the appeal site still results in a substantial gap allowing for views through the site. While the development of the site with a single dwelling would still enable a gap to be maintained between the appeal site and properties on either side, the proposed siting of the dwelling would erode this gap, which contributes positively to the open nature and rural character of the area. This would lead to a built form and suburbanisation that would be at odds with the open quality of the area.
16. Moreover, the introduction of a dwelling in this location would include an associated increase in domestic paraphernalia, with the additional lighting and vehicular movements. This would erode the open and rural character of the immediate area and the site's location, failing to conserve or enhance the area's character.
17. Dwellings within the immediate area are a small mix of semi-detached and terraced properties set in modestly sized plots. Materials vary across several properties, which include brick, render, and roof tiles. Based on the submitted drawings and subject to a suitably worded condition, materials would respect the local vernacular. However, the location of the proposed dwelling within the substantially larger plot set away from nearby dwellings would appear as a discordant feature within the row that does not reflect the established character of the area. The incongruous nature of the dwelling in this location would be further enhanced by incorporating an integral garage and more expansive fenestration, which are not features associated with dwellings in the immediate area.
18. For these reasons, 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

19. The appeal site itself is covered in vegetation, with limited self-seed small trees and hedges in proximity to the edges of the site. CS Policy 12 requires no net loss of biodiversity. The appellant has stated within the supporting information that the proposed landscaping would result in a biodiversity net gain (BNG) of over 20%. In the absence of any substantive evidence to the contrary, I find no reason to disagree. In any event, given the size of the site,

a condition could be attached to secure BNG, particularly as there is no disagreement there are no protected species within the site.

20. For the above reasons and subject to a condition on BNG before any site clearance takes place, the scheme would comply with CS Policy 12 as a BNG could be achieved on the site.

Other Matters

21. The appeal site falls within the zone of influence for the Thames Estuary and Marshes Special Protection Area and Ramsar Site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme taking into consideration the appellant's SAMMS contribution. However, as the appeal is being dismissed for other reasons, I have not taken the matter further. In any event, this would not have amounted to a benefit but mitigated harm.

Other considerations

22. 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.
23. A lack of harm in relation to neighbouring amenity, parking provision or highway safety weighs neither for nor against the proposal.
24. In addition to harm to the Green Belt, the proposal would be harmful to the character of the area including the wider landscape. Against those substantial harms, the proposal would provide an additional self-build 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 support small sites to come forward for self-build. 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.
25. However, there is no mechanism before me to ensure the property would be developed in a manner that accorded with the definitions of self-build housing. As such, only limited weight can be given to these matters.
26. I recognise that there would be some economic benefits from the proposal, both during the construction phase and as a consequence of future residents' spending, to which I afford moderate weight. Given the size of the site, I also attach moderate weight to the environmental benefits of BNG that could be secured on site.
27. 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 harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning balance

28. 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.
29. 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

30. The proposal would provide BNG but would be inappropriate development in the Green Belt and be harmful to the character and appearance of the area. As such, 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