



Appeal Decision

Site visit made on 22 October 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/K2230/W/24/3338083

The Haven, Brimstone Hill, Meopham, Gravesend, Kent DA13 0BN

- 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 R Binning against the decision of Gravesend Borough Council.
 - The application Ref is 20231259.
 - The development proposed is the demolition of two dwellings, erection of 2no. contemporary dwellings, with associated parking, garden land and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. Nevertheless, the Framework still refers to AONBs and their legal designation and policy status remain unchanged. Therefore, I will still refer to the Kent Downs AONB within this decision.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area and the Kent Downs AONB; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

4. The appeal site is a parcel of land to the rear of the dwellings on Foxendown Lane with access from Brimstone Hill. It is occupied by three dwellings, The Haven, Rose Cottage and The Summerhouse, accessed via a long driveway from the road. The site is in a semi-rural location within the green belt and outside of the settlement boundary of Meopham Green. The proposed

development includes the demolition of Rose Cottage and The Summerhouse and the erection of two new dwellings either side of the entranceway from Brimstone Hill.

5. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Under paragraph 154 (e), these exceptions include the limited infilling of villages. Policy CS02 of the Gravesham Local Plan Core Strategy (the CS) 2014 states that development outside of rural settlements will be supported where it is compatible with national policies for protecting the green belt. Therefore, the general aims are consistent with that of the Framework.
6. There is no specific definition of the term 'limited' within the Framework. However, due to the minimal nature of the proposed development compared to the size of the site, it would be reasonable to consider it as limited development.
7. Again, the term 'infilling' is not defined within the Framework and is a question of fact and planning judgement. There is a cluster of dwellings to the north of the appeal site on Foxendown Lane and the top of Brimstone Hill. However, these are separated from the location of the proposed new dwellings by the large residential garden belonging to the property 'Lahama'. There are also some dwellings and agricultural buildings to the south of the appeal site. However, the layout of these is sporadic in nature and they do not form a continuous built up frontage. Therefore, taking into account the location of the appeal site and its relationship to other existing development adjoining and adjacent to it, the proposed development could not be described as 'infilling'.
8. The appeal site is not located within the settlement boundary of Meopham Green. However, it is noted that the boundaries of a village defined in a local plan may not be determinative for the purpose of defining a village under this exception. Such a judgement is likely to depend on factors such as the number of buildings or properties that are grouped together, their inter-relationship and spacing, the facilities and services available and the juxtaposition of the site with surrounding buildings and any open land beyond. Nevertheless, regardless of whether the appeal site could or could not be considered as part of Meopham Green, as the proposed development would not constitute infilling, it would not fall under the exception in paragraph 154 (e) of the Framework.
9. The development would therefore be inappropriate development within the Green Belt. This is harmful to the Green Belt which, in accordance with paragraph 153 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Openness

10. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.

11. The development would introduce new buildings to an open and undeveloped part of the appeal site. Due to this increase in built form and the relatively large scale of the buildings, it would have a significant spatial impact on the openness of the Green Belt. In addition, although the proposed dwellings would be partially screened by the existing brick wall at the front of the appeal site, existing trees and the topography of the site, it would still be visible from the adjacent road and public footpath, thereby eroding the visual openness of the site. Therefore, the proposed dwellings would have both a spatial and visual impact on the openness of the Green Belt, in that it is reduced, resulting in moderate harm to the Green Belt.
12. The Framework makes it clear in paragraph 153 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Character and Appearance

13. Although their report makes reference to the Meopham Downs Landscape Character Area (LCA), the Council have confirmed that the appeal site is located within the Harvel Wooded Downs LCA. The Landscape Character Assessment (2009) states that the key characteristics of this area is the varied topography, ancient woodland, occasional traditional farmsteads and the haphazard mosaic of residential plots and small holdings set within the woodland. It is also located within the Kent Downs AONB. Whilst there is a varied topography, the site's surrounds are open and rural in nature, characterised by sporadic residential and agricultural development interspersed with fields and wooded areas. The open and verdant nature of the appeal site sits comfortably within the LCA and the rural AONB surroundings.
14. Due to their location adjacent to the road Brimstone Hill, the proposed dwellings would be highly visible features within the streetscene and the surrounding landscape. The existing brick wall and trees would screen some of the development. However, clear views would still be possible above the wall and through the existing entrance gates, particularly due to the topography of the land and open nature of the surrounding area.
15. The proposed dwellings both have a flat roof and a contemporary design which may seem to contradict the rural surrounds. However, there are some nearby examples of more modern dwellings and therefore the design of the proposed dwellings would not be overly incongruous in the surrounding area. However, regardless of their design, the addition of two buildings, with a significant scale and in a location which is currently free from built form, would have a detrimental impact on the open character of the area.
16. Although the site is already residential in nature with a large brick wall at the front, two properties, along with their associated residential paraphernalia, in this highly visible location, would further add to the urbanisation of the appeal site and surrounding area. Due to the spacing between the appeal site and existing development in the surrounding area, it is viewed separately from the main bulk of residential development in the area and the proposal would disrupt the sporadic layout of development in this particular location to the detriment of the character and appearance of the area, the landscape character and the wider AONB.

17. The appellant states that the proposal would enhance the AONB and reduce the spread of development on the site by the removal of existing built form and replacing them in a location closer to the existing cluster of development on Brimstone Hill. However, the two dwellings to be demolished are currently located adjacent to the main dwelling, The Haven, creating a cluster of built form on the site. Their relocation would therefore extend the spread of built form to other parts of the appeal site. Whilst the proposed dwellings may represent an improvement in design, compared to the existing buildings, this would not outweigh the overall harm identified.
18. Therefore, for the reasons above, the proposed development would harm the character and appearance of the area and the Kent Downs AONB and would conflict with Policies CS12 and CS19 of the CS. These policies collectively seek to ensure that new development conserves and enhances the character of the natural environment and the overall landscape character and valued landscapes will be conserved with the greatest weight given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting.

Other Considerations

19. The appellant has stated that the proposed development would enhance biodiversity on the appeal site with additional landscaping, hedgerow planting, tree planting and a sedum roof. However, no specific details have been provided to demonstrate this. As such, this is given limited weight in my consideration of the appeal.
20. The two proposed dwellings would replace two existing dwellings on the appeal site, which are to be demolished as part of this development. This would result in a small increase in floor area, which the appellant contends is modest and less than what could be added under permitted development rights. Nonetheless, whilst the demolition of the existing dwellings may offset the bulk and massing of the additional built form proposed, this would have a neutral impact and would not be a benefit weighing in favour of the proposed development.
21. Another appeal¹, for a site in close proximity to the appeal site before me, has been brought to my attention. This found that the development would not be inappropriate development in the Green Belt and would be located in a sustainable location in relation to the accessibility of services and facilities. However, this appeal related to the removal of a condition on an existing planning approval, relating to the use of an annexe. Therefore, whilst it is close to the appeal site and considered similar issues, as this development already had planning permission and did not represent new development in the Green Belt, it is not relevant to the appeal proposed before me.

Green Belt Balance

22. The development would be inappropriate development in the Green Belt in that it would result in new buildings within the Green Belt which do not fall under any of the listed exceptions. It would also result in harm to the character and appearance of the area and the Kent Downs AONB. The Framework establishes that substantial weight should be given to any harm to

¹ APP/K2230/W/22/3297257 (Greenacres Farm, Brimstone Hill, Meopham, Gravesend DA13 0BN)

the Green Belt and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

23. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with paragraph 152, 153 and 154 of the Framework.

Conclusion

24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR