



Appeal Decision

Site visit made on 11 September 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th September 2017

Appeal Ref: APP/K2230/W/17/3176951

Land opposite the Railway Inn Pub and in between Whitecroft and Wildacre (DA13 OXZ), Sole Street, Kent, Easting 565678 and Northing 167509

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Dean against the decision of Gravesham Borough Council.
 - The application Ref 20161112, dated 17 November 2016, was refused by notice dated 17 March 2017.
 - The development proposed is erection of a single, 5 bedroom, 1 ¾ storey house, with a detached double garage. Demolition of a single horse stable/barn and the removal of the remains of a previously demolished stable/barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its impact on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - The accessibility of services and facilities; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development and its effect on openness

3. Policy CS2 of the Gravesham Core Strategy 2014 states that development in rural areas will be supported where it is compatible with national policies for protecting the Green Belt. National policies for the protection of the Green Belt are set out in Section 9 of the National Planning Policy Framework (the Framework).
4. Paragraph 89 of the Framework establishes that the construction of new buildings is inappropriate development subject to a number of exceptions. It is clear the

proposal would not be the type of development listed in the first three bullet points in Paragraph 89. Moreover, whilst the appeal scheme could arguably be categorised as a replacement building, as the proposal includes the demolition of a single stable/barn, the new building would be in a different use and materially larger. Consequently the proposal would not meet the exception in the fourth bullet point of Paragraph 89.

5. As an exception, Paragraph 89 of the Framework permits limited infilling in villages. The terms 'limited', 'infilling' and 'village' are not defined¹. In the absence of a national definition of these terms the Council have suggested that 'infilling' is the filling of a small gap in an otherwise developed frontage or the filling of a small space between a group of closely associated buildings. In the absence of any other definition I consider this to be a useful starting point in my consideration of this matter.
6. The appeal site is not small being about 1 acre in size with a wide frontage. The site abuts the curtilage of three other properties but these have a rather sporadic arrangement, are set back significantly from the road and occupy large and verdant plots. As such, the three adjoining properties do not form a built frontage. Moreover, the buildings are too far from one another to be considered a discernible group of closely associated buildings. As such, the appeal scheme would not adhere to the definition of infilling advanced by the Council. However, the Council's definition is not set out in the development plan and therefore an assessment against it is not determinative.
7. The appellant has taken a looser view of what constitutes an infill plot. He suggests that the presence of residential dwellings either side, alongside the clearly defined boundaries of the appeal site, establishes it as an infill plot. There is some merit in this argument.
8. In my view, and in this instance, the main point in question is whether the appeal site, and the properties either side, are in a 'village'². The starting point for assessing this can reasonably be the settlement boundary of Sole Street, which the appeal site and adjoining properties are located outside of being on the southern side of the rail line. However, a village for the purposes of applying Green Belt policy is not always defined by its settlement boundary.
9. When considering matters 'on the ground' the public house and rail station are located on the southern side of the rail line but are sizeable buildings with a built character to their immediate surroundings. Additionally Whitecroft and Leighton are visible from Camer Road and their frontage is defined by a brick wall. These properties could be considered as being part of the built form of the village as it tapers off into the countryside. However, Wildacre is not readily visible from the public realm and the boundaries of this property are defined by very mature hedging. It is also separated from Whitecroft by the appeal site, which has the characteristics of a paddock and is a significant open feature that contributes to the rural character that begins to take hold south of the rail line.
10. As such, whilst the railway line is a rationale point in establishing the southern edge of Sole Street I nevertheless consider the public right of way north of the appeal site marks the boundary between built development and a sense of more

¹ The proposal would involve the erection of a single dwelling and therefore I consider it would be 'limited'

² There is no dispute that Sole Street is a 'village' as it is inset from the Green Belt and identified in the Council's settlement hierarchy

open countryside beyond. As such, neither the appeal site nor Wildacre are in a village and therefore, regardless of whether the proposal is infilling or not, the development of the appeal site would not amount to infilling within a village when applying the penultimate bullet point in Paragraph 89 of the Framework.

11. The final bullet point in Paragraph 89 permits limited infilling or the partial or complete redevelopment of a previously developed site, which would not have a greater impact on the Green Belt. Regardless of whether the proposal is infilling or the development of previously developed land, the proposal would have a greater impact on the openness of the Green Belt.
12. This is because it would introduce a considerable quantum of development into an area where there is currently very little. The development would also change the character of the site from a rural paddock to a dwelling and its residential curtilage. Moreover, the proposed house would be prominent in views from the adjoining public right of way and Camer Road. The proposal would also result in an encroachment into the countryside and this would undermine the purposes of including land in the Green Belt. Thus, the appeal scheme would not be an exception under the last bullet point in Paragraph 89 of the Framework.
13. As a consequence, the appeal scheme is not the type of development listed as an exception in Paragraph 89 of the Framework and it would have a moderate impact on the openness of the Green Belt. Consequently, the proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The effect of the proposal on the character and appearance of the area

14. As already established in the preceding paragraphs, the appeal site is currently an open and broadly undeveloped parcel of land on the edge of the village. Its open and verdant appearance adds to the rural character of the area. The appeal scheme would result in a new dwelling occupying a central position in the site. This would result in a notable urbanisation of the appeal site. Its existing open and verdant character would be eroded, being replaced by built development, including a house with a large outbuilding, extensive curtilage and the associated residential paraphernalia that is bound to follow. This would be visible from Camer Road and the Public Right of Way and would be a particularly prominent and stark intrusion into the countryside.
15. Landscaping could be used to mitigate the visual impact of the development but this would take time to mature and, in any event, landscaping should not be used to screen inappropriate development as its longevity cannot be guaranteed for the entire time the development may be in situ. Moreover, I have seen nothing to suggest the landscaping would be comprehensive in screening the proposed development.
16. The impacts of the appeal scheme would be limited to near distance views meaning the impact on the wider Kent Downs Area of Outstanding Natural Beauty (AONB), as well as the Meopham Downs Landscape Character Area, would be limited. Nevertheless, the urbanisation of the appeal site is a matter of moderate weight against the appeal scheme and places it in conflict with Policies CS12 and CS19 of the CS. The historic presence of a large number of dwellings in Sole Street within the AONB has little bearing on whether the development of the appeal site is acceptable, as this falls to be considered on its own merits.

The accessibility of services and facilities

17. Policy CS2 of the CS seeks to direct development to the most sustainable locations. A settlement hierarchy has been produced to support this approach. The hierarchy has been based on the availability of services and the accessibility of public transport. Sole Street is identified as a fourth tier settlement making it one of the settlements with the poorest accessibility to services and facilities.
18. Nevertheless, the appeal site is well placed for easy access to the limited range of facilities available in the village. There is a public house, bus stop and rail station opposite the site and the reasonably well stocked village shop is just over the rail-bridge. Camer Park is located a short walk to the south. All these facilities are accessible along pavements. Although this is not a comprehensive array of services as it does not, for example, include a doctor's surgery or school, I consider it is sufficient to conclude that the appeal site is adequately located for everyday services when its rural location is taken into account. In reaching this view I have considered the Framework's guidance that sustainable transport solutions will vary from rural to urban areas. I therefore find no conflict with Policies CS1 and CS2 of the CS or Paragraph 55 of the Framework.

Other Considerations

19. The appellant suggests the appeal site is previously developed 'brownfield' land upon which the government promotes development. Even if I were to conclude that the entire appeal site was previously developed land it would not alter the fact that the proposed development would harm the character and appearance of the area and the openness of the Green Belt. As such, this is a matter of limited weight in favour of the appeal scheme. I also share the Council's scepticism as to whether the site would be entered onto the Brownfield Land Register given its apparent unsuitability for residential development.
20. The appellant suggests that the Council may not have a five year housing land supply and refers to the Vigo Neighbourhood Plan adoption process as evidence of unmet housing requirements. Nevertheless, I do not have substantive evidence before me to conclude the Council is unable to demonstrate a five year housing land supply. Even if I did, the benefits of the appeal scheme to the Council's housing supply would be limited given the small scale of the development proposed and therefore the adverse impacts of the proposal would likely outweigh its benefits. In any event, Green Belt policies are engaged and these suggest development should be restricted. The Planning Practice Guide³ also makes it clear that unmet housing need is unlikely to outweigh harm to the Green Belt to the point it becomes 'very special circumstances'.
21. There would be some economic benefits from construction and the 'spend' of future residents but these would be limited benefits given the small scale of the proposed development. There has been some local support for the proposal but this is not a determinative point in light of my findings that it would be contrary to local and national planning policy.
22. The appellant suggests there have been instances of fly tipping and other apparently inappropriate and unlawful uses of the appeal site. However, it is unclear how frequent these occurrences are and the extent of any impacts. Moreover, it is unclear what measures have been taken to prevent this from

³ Paragraph 034 Reference ID 3034-20141006

occurring and the appeal site currently appears adequately managed. As such, and in this instance, removing the potential for anti-social behaviour is a matter of limited weight in favour of the appeal scheme.

23. The proposed dwelling would have impressive environmental credentials in respect of energy storage, water harvesting, heat collection, air tightness and thermal performance. Nevertheless, it is unclear how easy it is to replicate these measures and to what extent they are locally innovative and therefore whether the proposal would be a 'beacon' of low impact design. Thus the design of the development is a matter of moderate weight in favour of the appeal scheme in the absence of this information.
24. The appellant has suggested that he would maintain the public footpath adjoining the appeal site instead of local volunteers. However, the appellant may not always be the resident of the appeal property and there is no mechanism before me to secure this benefit in the future. Consequently it is a matter of very limited weight in favour of the appeal scheme.
25. I therefore conclude that when taken together, the other considerations advanced by the appellant attract moderate weight as matters in favour of the proposal.

Whether there are Very Special Circumstances

26. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. I have concluded that the proposal is inappropriate development that, by definition, harms the Green Belt. I have also concluded that the proposal results in some moderate harm to the openness of the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also identified some moderate harm to the character and appearance of the area.
28. On the other hand, the other considerations referred to by the appellant only carry moderate weight in favour of the proposal. As such the harm to the Green Belt, and any other harm, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly the proposal is contrary to the local and national planning policies when read as a whole and is not sustainable development for which the Framework carries a presumption in favour.

Conclusion

29. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR