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## Appeal Decision

Site visit made on 22 October 2019 by Andreea Spataru BA (Hons) MA

**Decision by Susan Ashworth BA (Hons) BPL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> December 2019**

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**Appeal Ref: APP/K2230/W/19/3232367**

**Dawes Cottage, Northfleet Green, Gravesend DA13 9PN**

- 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 and Mrs P Martin against the decision of Gravesham Borough Council.
  - The application Ref 20190280, dated 18 March 2019, was refused by notice dated 12 June 2019.
  - The development proposed is described as a games room.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. At the time the application was made, the building for which permission is sought had already been erected. I have dealt with the appeal on that basis.

### Main Issues

4. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy including the effect of the proposal on the openness and purposes of the Green Belt;
  - The effect of the proposal on the character and appearance of the area; and
  - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons for the Recommendation

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*Whether inappropriate development including the effect of the proposal on the openness and purposes of the Green Belt*

5. Dawes Cottage is a detached dwelling set in spacious grounds, within the Green Belt. The site is generally surrounded by agricultural fields and open countryside. The development consists of a single-storey detached building, currently being used as a games room, located outside the residential curtilage of the host dwelling.
6. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Certain other forms of development set out at paragraph 146, including material changes in the use of land, are also not considered inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it. Policy CS02 of the Gravesham Local Plan Core Strategy (2014) (the Core Strategy) states that planning permission will not be granted for development in the Green Belt except where the development is compatible with national policies for protecting the Green Belt.
7. The appellants suggest that the proposal falls to be considered as an exception under either point (b) or (d) of paragraph 145, which I shall consider in turn.
8. Paragraph 145 b) sets out as an exception, the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.
9. Planning permission<sup>1</sup> has been granted for the continued use of around 1 acre of former agricultural land adjacent to Dawes Cottage, on part of which the appeal building is sited, for the keeping of chickens and horses incidental to the enjoyment of Dawes Cottage. An informative added to the permission, which also included the erection of 4 stables, a tack room, hay barn and 3 chicken coups, states that *'the land hereby permitted is for leisure and recreational use only and shall not be construed as granting planning permission for the extension of the residential curtilage of dwelling'*. The conditions attached to this decision also clearly state that the use of the land shall be for the keeping of horses and livestock only and shall not be used for any other purpose.
10. While I acknowledge that the keeping of horses and livestock may be a recreational activity, the building for which permission is sought is used as a games room in association with, and ancillary to, the residential use of Dawes Cottage. The appellants advise it was constructed to replace a similar facility within the garden of the cottage. The building has no functional relationship with the use of the land for the keeping of chickens and horses. Other buildings on site already provide that facility.
11. I am unconvinced therefore, that it constitutes an appropriate facility in connection with the use of the land on which it is sited. However, even if it were an appropriate facility, paragraph 145 b) requires that facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. I will turn to these matters below.

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<sup>1</sup> Application reference: 20140450

12. Paragraph 145 d) sets out as an exception, the replacement of a building, provided that the new building is in the same use and is not materially larger than the one that it replaces.
13. The outbuilding within the residential curtilage of the Cottage referred to by the appellants has now been demolished and, although I have been provided with an aerial photograph dated 2015, I have no details of the measurements of the building and specifically cannot assess its footprint, height or volume. I cannot therefore determine whether or not it was materially larger than the appeal building. In addition, I have no details about whether that building was lawful.
14. Moreover, notwithstanding that, the site is within an area outside of the domestic curtilage on a separate parcel of land which itself is in a different use. Furthermore, it is acknowledged by the appellant that the site on which the building has been constructed was formerly a gap between the buildings permitted under the previous application. There is no evidence of a previous building in this location. On that basis, the building cannot constitute a replacement building and the proposal does not therefore fall as an exception within paragraph 145 d).
15. The Framework indicates that openness is an essential characteristic of the Green Belt and that the fundamental aim of Green Belt Policy is to keep land permanently open.
16. In spatial terms, the development has resulted in additional built form in an undeveloped part of the site. This has increased the overall bulk of development present within the site and reduced the openness of the Green Belt. I acknowledge that as the building is sited between other structures, it is partially screened from view. Nevertheless, it is still clearly visible from the field in which it is sited and from the surrounding land.
17. I acknowledge that in the appellants view, the proposal has a neutral impact on openness given the removal of the former games room. However, as set out above that building was sited on a separate parcel of land, functionally and physically separate from the appeal site.
18. Consequently, in both spatial and visual terms, the development affects the openness of the Green Belt.
19. The purposes of the Green Belt are set out at paragraph 134 of the Framework. The proposal does not safeguard the countryside from encroachment and does not assist in urban regeneration. As such the proposal therefore conflicts with the purposes of including land within the Green Belt.
20. On that basis, the proposal cannot be an exception within paragraph 145 b). As it does not fall within 145 d), or any of the other categories in paragraphs 145 or 146, it is inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Character and appearance*

21. As set out above, the site lies in the open countryside, outside of any built up area. The site is within the 'Istead Arable Farmlands' designated character

area. Gravesham Landscape Character Assessment (2009) outlines the guidelines for the Istead Arable character area are to restore distinctive features and patterns of the landscape, whilst creating landscape elements that support the landscape character. These guidelines include the creation of design standards in keeping with local character for new developments within the area.

22. I acknowledge that the building is of a limited height and is incorporated within the existing cluster of buildings. However, it constitutes additional built form, of a domestic appearance and use, in an area of open countryside. Accordingly, it has an urbanising effect on the open rural landscape which diminishes the character and appearance of the area.
23. Accordingly, it conflicts with Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which require development to respect the character of the landscape.

*Other considerations*

24. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. The appellant advises that the reason for building the appeal development outside the residential curtilage was to provide a larger grassed amenity area for the applicant's disabled son, within the residential curtilage of the property. Be that as it may, this does not justify the construction of a domestic building on the adjoining land.
26. The Council has raised no objection to the development on the basis of its effect on the living conditions of other nearby residents or highway safety. From what I have seen and read I have no reason to come to a different conclusion in this regard. However, this is a neutral matter rather than one that carries weight in favour of the scheme.

*Whether very special circumstances necessary to justify the proposal exist*

27. To conclude, the appeal proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It also causes limited harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' 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.
28. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme has caused. Consequently, very special circumstances do not exist, and the proposal conflicts with the Framework and Policy CS02 of the Core Strategy.
29. Although I have limited information about the disability of the family member, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance

equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the appeal should succeed.

### **Conclusion**

29. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Andreea Spataru*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Susan Ashworth*

INSPECTOR