



Appeal Decision

Site visit made on 14 July 2025

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/K2230/W/24/3352050

Land known as The Island, Whitepost Lane, Culverstone, Gravesend, Kent, DA13 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mason Clarke against the decision of Gravesend Borough Council.
 - The application Ref is 20240464.
 - The development proposed is to establish the principle for a modest dwelling, with all matters being reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address is stated on the application form as Land at Bluebell Wood, White Post Lane, Meopham. However, it is described in the Council's Refusal Notice as set out in the banner heading above. This more clearly describes the site location.
3. The appeal form states the postcode as DA13 0TZ. However the correct post code appears to be DA13 0RN as stated on the planning application form.
4. The application has been submitted in outline. The Planning Statement proposes that, if the broad principle of a dwelling were to be established, the design would be commensurate with the directly opposite 'Last Post' dwelling but on a smaller scale. An example layout plan showing the dwelling positioned centrally within the site accompanies the proposal. The above are indicative of only one way in which the site could be developed and all matters are reserved for future consideration. I have considered the appeal on this basis.
5. The revised National Planning Policy Framework (the Framework) came into effect in December 2024. The main Parties have had the opportunity to comment on its implications and comments received have been taken into account. References in this Decision to paragraph numbers and footnotes are those of the revised Framework. The site is within the Metropolitan Green Belt and amongst other changes the revised Framework introduces the concept of Grey Belt land.

Main Issues

6. The main issues are:
 - a. the effect of the proposal on the natural environment having particular regard to the location within the Meopham Downs Landscape Character and in a designated ancient woodland;

- b. whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and development plan policies; and
- c. if the proposal is found to be inappropriate development, 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

Effect on the natural environment

7. The appeal site is in a narrow strip of land a short distance from the Rural Settlement boundaries of Culverstone Green and Vigo. The Gravesham Landscape Character Assessment 2009 divides the Borough into 11 Character Areas and seeks to conserve the key landscape characteristics of each area. The appeal site falls within the Meopham Downs Character Area. Its key landscape elements include the landscape structure, the enclosure of settlements within wooded areas, and broadleaf woodland cover. Culverstone Green and Vigo are set within mature woodland. The area directly around the appeal site, outside the Rural Settlement boundaries, is predominantly ancient and semi-natural woodland with some dwellings set amongst the trees.
8. The appeal site is a small part of a large triangular area of land known as The Island which is within an area designated as ancient woodland. The Island is bounded by Whitepost Lane, Harvel Road, and a footpath leading between the two. There are two houses, Joan Cottage and Bluebell Cottage, in the southernmost corner of The Island. The land immediately surrounding the appeal site is undeveloped. Directly opposite, across Whitepost Lane, is the relatively modern looking dwelling called Last Post. Further along Whitepost Lane are other houses, including Gadwall and Graylin, which are within the inset boundary of Culverstone Green.
9. The Council has provided a series of aerial photographs which show that until 2022, at least, the appeal site and adjoining land was covered by tree canopies. Photographs submitted as part of the Planning Statement accompanying the planning application show many trees within the site. Historically, and until fairly recently, the site was undeveloped and merged seamlessly with the surrounding woodland.
10. A dwelling, even of modest scale, would be accompanied by domestic paraphernalia such as garden, hard standings and other structures, parking and turning areas and the digging of foundations and service trenches. These would all disrupt the essential character of the ancient woodland as irreplaceable habitat which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.
11. Paragraph 193(c) of the Framework advises that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland, should be refused, unless there are wholly exceptional reasons such as nationally significant infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat, and a suitable compensation strategy exists. In principle

the construction of a house would not amount to an exceptional reason for development within an ancient woodland nor has a compensation strategy been provided.

12. For the above reasons I conclude that in the principle of a new dwelling on the site would have a harmful effect on the ancient woodland and on the broadleaf woodland cover, one of the key characteristics of the Meopham Downs Character Area.
13. At the time of my site visit very few trees remained standing in the appeal site and third Parties have indicated that felling has been taking place. The appeal site was enclosed by a high wooden fences and gates and contained a number of structures, a large, gravelled parking/turning area and domestic paraphernalia including a lawn, picnic tables and benches.
14. Based on the Planning Statement photographs it would appear that the above works have been carried out more recently than April 2024, which is the date of the declaration on the planning application form. However, there is no evidence that these developments are lawful and, in the absence of this, I give little weight to the current appearance and character of the site. Moreover, the Natural England and Forestry Commission Guidance¹ makes it plain that the existing condition of an ancient woodland would not be a reason to grant permission for development as woodland can be restored and improved by good management. Granting planning permission for a dwelling would permanently preclude such restoration.
15. I conclude that the proposal would have a harmful effect on the natural environment. There would be conflict with Policies CS12 and CS19 of the CS and Section 15 of the Framework which together seek to protect the Meopham Downs Landscape Character and designated ancient woodland.

Whether or not inappropriate development in the Green Belt

16. The appeal site and the surrounding area are designated as Green Belt but the two Rural Settlements of Culverstone Green and Vigo are inset from it. Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (the CS) supports development in Rural Settlements inset from the Green Belt. It also states that elsewhere in the rural area development, including affordable housing, will be supported where it is compatible with national Policies for protecting the Green Belt and other CS Policies.
17. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. Paragraph 153 of the Framework explains that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. The construction of buildings is considered to be inappropriate unless one of a number of exceptions apply.
18. The appellant contends that the proposal would infill an area of land because of the other houses in the area and the exception at Paragraph 154(e) of the Framework provides for limited infilling in villages. There is no definition in the Framework of limited or infilling but in planning policy terms it is usually taken to mean the development of a small gap in an otherwise continuous built-up frontage.

¹ Ancient woodland, ancient trees and veteran trees: advice for making planning decisions.

Whilst the proposal is limited, in that it is for a single dwelling, as the appeal site is surrounded by undeveloped land, and the nearest dwelling is on the other side of the road, the site is not within a village or in a continuous built up frontage. The proposal would therefore not amount to infilling. Accordingly the proposal does not benefit from the exception at Paragraph 154(e).

19. The appellant considers the proposal would provide an affordable home. However, affordable housing is defined in the Glossary to the Framework as housing for sale or rent, for those whose needs are not met by the market and which comply with specified definitions. The proposal is described as self-build so would not meet the definitions of affordable housing in the Framework. Accordingly the proposal would not benefit from the exception at Paragraph 154(f) of the Framework which allows for appropriate affordable housing.
20. As described above there are structures and hardstanding currently on the appeal site. There is no evidence that the land has been lawfully developed so I cannot confidently conclude that the land amounts to previously developed land as defined in the Glossary to the Framework. The proposal would therefore not benefit from the exception at Paragraph 154(g) of the Framework which allows for the partial or complete redevelopment of previously developed land which was lawfully developed.
21. Paragraph 155 of the Framework allows for the development of homes on Grey Belt land which would not fundamentally undermine the purposes taken together of the remaining Green Belt. The Glossary definition of Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) provide a strong reason for refusing or restricting development. Such assets include irreplaceable habitats such as ancient woodland. As the appeal site is in a designated ancient woodland it would not amount to Grey Belt land so the proposal would not benefit from the provisions of Paragraph 155 of the Framework.
22. The CS recognises that, as development opportunities become within the existing urban area and settlements inset from the Green Belt become more limited, some development may be required on land in the rural area and Green Belt to meet housing needs. However, even where the Council cannot demonstrate the requisite five year supply of deliverable housing land, the Framework advises such development should be through the review of Green Belt boundaries following the full examination of all other reasonable options. This would not justify the ad hoc release of the appeal site for a house.
23. For the reasons set out above I conclude the proposal would be inappropriate development in the Green Belt having regard to the Framework and development plan policies. There would be conflict with Policy CS02 of the CS and the guidance in the Framework in terms of the protection of the Green Belt.

Other considerations

24. The Council indicates that it can only demonstrate a 3.27 year supply of deliverable housing land and that housing delivery is substantially below that required by the Housing Delivery Test. However, in this case, the application of Framework policies protecting ancient woodland and Green Belt provide a strong reason for refusing the development proposed, so the so-called “tilted balance” in favour of development under Paragraph 11d) of the Framework does not apply.

25. One house would make a much-needed, small but positive, contribution to the local supply and mix of housing in the Borough. There would be economic benefits during the construction period and spend in the local economy from additional residents. However, these benefits are moderated because of the very small scale of the proposal. The totality of these other considerations amount to less than moderate weight in favour of the proposal.

Other Matters

26. On-site Biodiversity Net Gain does not form part of the proposal as proposals for small scale self-build developments are exempt from the requirement. However, no mechanism for ensuring the proposal would be self-build has been put forward. Had my conclusions on the main issues been otherwise I would have sought more information on this matter but, in the circumstances, it is not reasonable or appropriate to do so.
27. Whether or not trees have been removed elsewhere does not lead me to any different conclusions with respect to the appeal before me. It is for the Council to determine whether any unlawful development of works have taken place, and if so what action, if any, should be taken.

Conclusion

28. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are harmful impacts on the Meopham Downs Landscape Character and the designated ancient woodland without wholly exceptional circumstances being demonstrated and without any compensation strategy.
29. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I conclude that the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist. Moreover, the Framework emphasises that development affecting a designated ancient woodland should be refused.
30. The latest Framework post-dates the adoption of the CS but the statutory starting point for determining planning proposals is the development plan. CS Policies relating to Green Belt and protecting the natural environment are consistent with the Framework, which is a material consideration. The identified harm that would arise, and the associated policy conflicts as set out above, would be such that the scheme would conflict with the development plan when considered as a whole.
31. I conclude that the scheme would conflict with the development plan and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Consequently, the appeal should be dismissed.

S Harley

INSPECTOR