
Appeal Decision

Site visit made on 14 January 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/K2230/W/19/3235446

Land between Tara and September Cottage, Ridge Lane, Meopham, Gravesend DA13 0DP

- 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 Terry Ireland against the decision of Gravesham Borough Council.
 - The application Ref 20190125, dated 29 January 2019, was refused by notice dated 11 April 2019.
 - The development proposed is erection of a 4-bed chalet style bungalow and a detached outbuilding incorporating a single garage and storage space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted 2 new drawings¹ which would significantly alter the proposal by removing the front and rear dormers; and inserting additional first floor side windows on the proposed dwelling together with the removal of the proposed detached garage. The amendments would change the outlook from the bedrooms, and the additional first floor windows would directly face neighbouring properties. The removal of the detached garage would also reduce on-site parking provision.
3. Within this context I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning Appeals – England. It is my firm view, in the interests of fairness, that this appeal must be determined on the basis of the plans on which the Council made its decision, and which have been subject to consultation, and not the revised plans. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on the amended proposals and who may have observations to make.

Main Issues

4. The main issues are:

¹ Drawing references RLS-A-P01 and RLS-A-P02 dated 24/09/17

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
- Whether or not the appeal site would be an appropriate location for housing with regard to the accessibility of services and facilities; and,
- The effect of the proposed development on the landscape character of Harvel Wooded Downs; 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

Inappropriate Development

5. The appeal site is located within the Green Belt. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate development, subject to a limited number of exceptions. One exception, set out in paragraph 145(g) concerns the limited infilling or the partial or complete redevelopment of previously developed land, providing that it would not have a greater impact on the openness of the Green Belt than the existing development.
6. It is not disputed that the site falls within the definition of previously developed land as set out in the Framework². Therefore, the question is whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.
7. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and can have both spatial and visual aspects.
8. The appeal site is a residential garden area associated with September Cottage. At my site visit I observed that a caravan is positioned on the appeal site. There is also a structure built from what appeared to be the trailer of a lorry, which is used for storage. The site predominantly consists of grass with brambles towards the front. I saw no evidence of hard surfacing.
9. The Council states that the proposed detached dwelling would have a footprint of 100 square metres and a ridge height of 6.7 metres; the detached garage would have a footprint of 37.8 square metres and a ridge height of 5.7 metres; and the hard surfacing would have an area of 147 square metres. This has not been disputed by the appellant.
10. The proposed development would significantly increase the footprint and volume of buildings at the appeal site. It would also increase the extent of hard surfacing. The proposal would therefore have a greater spatial impact on the openness of the Green Belt. Furthermore, whilst soft landscaping could be supplemented, the built form would be visible in public views from Ridge Lane.

² See 'Annex 2: Glossary' – the National Planning Policy Framework 2019

Consequently, the proposed development would, by virtue of its permanence and size, have a greater impact on openness than the existing development.

11. I therefore find that the proposal would be inappropriate development, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. It would not fully meet the exception in paragraph 145 g) of the Framework, which requires that development on previously developed land would not have a greater impact on the openness of the Green Belt than the existing development.

Location

12. The appeal site is located within the countryside. The closest services are located in Culverstone Green, approximately 1 km away. The services consist of a small retail shop with a post office, and a petrol station with an ancillary A1 use. There is also a primary school to the north of the petrol station and a bus stop on the A227.
13. Whilst the appeal site is situated away from services and facilities, there are dwellings in the area around the appeal site. Therefore, I do not find that the appeal site is isolated for the purposes of paragraph 79 of the Framework.
14. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. However, its overall aim is to promote walking, cycling and public transport use, and reduce reliance on the private car as a mode of transport.
15. The local road network consists of narrow, unlit and enclosed country lanes; and the terrain of the area is generally quite hilly. These conditions would discourage walking and cycling for day to day access to services. Having regard to the distance to the modest services in Culverstone Green and the limited public transport options accessible from the appeal site, it would be highly likely that future occupiers of the proposed development would access services by private car. This would not achieve the social and environmental sustainability objectives set out in the Framework.
16. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. However, the support provided by the occupiers of the proposed dwelling to the services and facilities of Culverstone Green is likely to be limited, particularly given that the likely dependency on the car would encourage travel further afield.
17. Consequently, taking into account the above factors, I find that the appeal site would not be a suitable location for housing with regard to the accessibility of services and facilities. The proposal would therefore be contrary to Policies CS01 and CS02 of the LPCS, which amongst other things, seek to improve the social and environmental conditions in the area and support development in urban areas and rural settlements inset from the Green Belt. The proposed development would also conflict with paragraph 78 of the Framework insofar as it promotes sustainable development in rural areas.

Landscape character

18. The appeal site is located within the Harvel Wooded Downs landscape character area within the Gravesham Landscape Character Assessment (May 2009)

(LCA). The LCA highlights that views both within and out of the character area are limited because of the combined effect of topography and the heavily wooded character of the landscape. It comments that land to the north of Harvel includes haphazard mosaic of residential plots and small holdings set within the woodland. The style of properties is varied in terms of size, scale and style. The LCA states that the combination of vegetation and topography create a very enclosed landscape with a high capacity for the landscape to absorb inconsistencies within its woodland, and the existing variety in styles and materials.

19. The proposed dwelling would be set back from Ridge Lane and it would be viewed between the detached properties at September Cottage and Tara. The layout of the proposed development would be comparable to neighbouring properties in the area. Its design and scale would be similar to Tara, which would provide an acceptable appearance. Drawing No RLS-A-P01 Rev 2 shows the provision of soft landscaping around the site boundaries, which would help to integrate the development with the verdant landscape character. The provision of an appropriate soft landscaping scheme could be secured through the use of a planning condition. Furthermore, no trees would be lost as a result of the proposed development.
20. The LCA underlines the need for proposals to achieve a high standard of design and it does not itself seek to prevent new residential development. Whilst the proposal would create additional built development in a verdant context, it would be consistent with the guidelines set out in the LCA.
21. The Council has referred to a previous appeal decision³ relating to land south of Asvins at the northern end of Ridge Lane, where an Inspector found that a proposed residential development would harm the character and appearance of the area. Nevertheless, the proposed dwelling would be positioned within a row of dwellings that are visible from the road. In this respect, the appeal site differs from the previous appeal at Asvins, which is in a more wooded location further from neighbouring buildings. In any event, I have determined the appeal scheme on its individual planning merits.
22. The proposed development would not harm, thereby conserve, the landscape character of Harvel Wooded Downs. It would accord with Policy CS12 of the LPCS, which, amongst other things, states that the overall landscape character and valued landscapes will be conserved, restored and enhanced.

Other considerations and the Green Belt balance

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I find that the proposed development would be inappropriate development and I therefore attach substantial weight to the harm to the Green Belt, in accordance with paragraph 144 of the Framework. In addition, I find that the site is not a suitable location for housing with regard to the accessibility of services and facilities.
24. The appellant states that the proposed development would enable him to live near to family relatives who require care, which would reduce demand on local social services. However, as I have not been provided with details of the nature

³ APP/K2230/W/15/3003758

and extent of care that the appellant's relatives require; this limits the weight that I am able to give to this issue in the determination of this appeal.

25. The appellant affirms that the proposed development would be built using sustainable products and methods. Be that as it may as I have no specific details before me I can only give this limited weight.
26. As the Council cannot demonstrate a 5 year supply of deliverable housing sites, the proposed development would make a small contribution of one dwelling towards housing supply to which I give modest weight in favour of the proposal. Modest economic advantages would also arise from the construction and occupation of the proposed dwelling.
27. The other considerations identified in support of the scheme, even when taken together, do not clearly outweigh the totality of the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and Policy CS02 of the LPCS which seek to protect the Green Belt.

Other Matters

28. I have had regard to concerns raised by other local residents in respect of loss of light; loss of privacy; loss of biodiversity; increase in noise; disturbance during construction works; and, increase in vehicle movements. However, the appeal is being dismissed for other reasons therefore I do not need to examine these particular matters further. I note the representation in support of the proposal from a local resident. However, this would not alter my decision.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR