
Appeal Decision

Site visit made on 8 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th September 2025

Appeal Ref: APP/K2230/W/24/3356605

Abbey Farm Barn, Church Street, Higham, Rochester, Kent ME3 7LS

- 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 Mr Steve Naish, Provectus Developments Limited against the decision of Gravesham Borough Council.
 - The application Ref is 20240139.
 - The development proposed is Proposed change of use of an agricultural building into Five Holiday Let Accommodation Units (resubmission of 23/0399).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me, in determining this appeal, to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses and also to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. For these reasons I have, therefore, included the effects of the proposal on these heritage assets as a principal issue in this appeal.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2024) (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Listed building, St Mary's Church, and the extent to which it would preserve or enhance the character or appearance of the Church Street, Higham Conservation Area;
 - the effect of the proposal on the Higham Arable Farmlands Landscape Character Area;
 - the effect of the proposal on protected species; and

- if the appeal scheme 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 scheme.

Reasons

Green Belt

4. The appeal site comprises a large barn located within a farmstead. The site is within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Subject to the exceptions set out in paragraph 154 of the Framework, the construction of new buildings and other development should be regarded as inappropriate in the Green Belt.
5. Policy CS02 of the Gravesham Local Plan Core Strategy (2014) (CS) is consistent with the Framework in that it states that new development in the Green Belt will be supported where it is compatible with national policies.
6. One of the exceptions identified within paragraph 154 of the Framework is "*the re-use of buildings provided that the buildings are of permanent and substantial construction*", providing that this preserves the Green Belt's openness and does not conflict with the purposes of including land within it. Therefore, the proposed use would not be inappropriate development if it preserves openness and there would be no conflict with the purposes of Green Belt designation.
7. The main parties agree that the barn is of permanent and substantial construction. The use of the building for holiday accommodation would not result in an increase in built form on the site as it would be accommodated within the existing building, albeit the building would be re-clad in timber and would need a new roof.
8. However, the proposal also involves the creation of a car parking area providing 5 car parking spaces, and post and rail fencing surrounding the proposed communal garden. These aspects would not meet any of the exceptions in paragraph 154 of the Framework.

- Grey Belt

9. Paragraph 155 of the Framework states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate subject to four criteria. The first (a) states that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
10. The appellant indicates that the appeal site should be considered 'Grey Belt' land. Criteria (c) of paragraph 155 requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.
11. Paragraph 110 encourages the management of patterns of growth to support the objectives of promoting sustainable transport. Paragraph 115 requires that in assessing sites, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location amongst other things.

12. The appeal site is in a very isolated location in the countryside, located some distance from the nearest village of Lower Higham. Although the walking distance to the village would not be excessive, access is along an unlit country road with no demarcated footway. The nature of this route would be likely to deter pedestrian and cycling access to the village, particularly in the evenings and during the winter months. Moreover, the submitted evidence does not provide details of the shops or services provided within the village.
13. On balance, the proposal would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. Drawing the above together, the proposal would not be in a sustainable location and would therefore not comply with the exception regarding the development of Grey Belt land.
14. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt. Therefore, the proposal would conflict with paragraph 154 of the Framework, as detailed above, and policy CS02 of the Core Strategy which together seek to resist inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances.
15. The Council also alleges conflict with Policy C11 of the Gravesham Local Plan First Review (1994) (LP) with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Openness

16. The submitted drawings indicate the creation of 5 parking spaces and post and rail fencing which would create a formalised communal garden area. The car parking area and fencing surrounding the garden would be of limited size, and would be sited close to the existing building.
17. The Planning Practice Guidance (PPG) confirms that openness is capable of having both spatial and visual aspects. The parking area would be well screened by buildings within the farmstead and vegetation at its boundaries. Whilst glimpsed views of the car park and communal lawn with post and rail fence would be possible from the west of the site they would not appear as prominent features. For these reasons, they would cause limited harm to the visual openness of the Green Belt.
18. Nevertheless, this development would harm the openness of the Green Belt. Although I consider that the harm to openness would be limited, there would be conflict with the provisions of the Framework which seek to preserve the openness of the Green Belt.

Heritage Assets

19. The site is located within the Church Street, Higham Conservation Area (CA). The character of this part of the CA and its significance stems from the age, architectural quality and positive contribution of the buildings within the hamlet combined with the area's pleasant, open rural landscape. The Church Street, Higham Rural Conservation Area Appraisal (CAA) highlights that the local

character is shaped by the contrast between visually enclosed areas—such as the buildings and yards of the traditional farmstead, within which the appeal site is located—and the open marsh-edge fields that surround them.

20. The appeal building itself has a traditional agricultural form, featuring a gently pitched roof and elevations clad in corrugated material. Its modest and utilitarian appearance allows it to blend into the rural landscape, making a neutral contribution to the overall character of the Conservation Area.
21. The List description confirms that St Mary's Church was listed in 1966. It is built from Kentish ragstone with flint banding. There is some evidence of Saxo-Norman work within the building, though it was remodelled with the construction of a south aisle in 1357. From my observations on the site visit and the evidence before me, the significance of the LB is derived mostly from its age, architectural quality and its contribution to the rural character of the area. There is no disagreement between the parties that the proposal would be within the setting of the LB, and it is clearly visible in views from the churchyard. Given the proximity of the proposal to the heritage asset, I see no reason to disagree.
22. The rhythm and repetition of the five regularly spaced front doors and large expanses of fenestration would have a domestic and uniform appearance which would not reflect typical rural fenestration and would not sit comfortably within the agricultural context of the site and CA. In addition, any associated domestic paraphernalia and the parking areas would have an urbanising effect on the immediate area. As a consequence, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA as a result of its appearance.
23. This part of the CA is particularly quiet, with minimal traffic due to the absence of a through road. I note that the CAA refers to an attractive highway feature being the consistent lack of kerbs to road edges. Whilst the proposal would result in an increase in local traffic and activity, I do not consider that the vehicular movements from the 5 holiday lets, spread across a day, would have a noticeable effect on the character of the CA.
24. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
25. For the above reasons, I find that the proposal conflicts with policy CS20 of the CS and policies TC2 and TC3 of the LP which collectively prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance.
26. In failing to preserve the character and appearance of the CA and the setting of the LB, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage assets. I also note that the appellant's Heritage Statement finds less than substantial harm to the setting of St Mary's Church. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits.

27. The proposal would provide benefits, such as making an efficient use of the site and contributing to local tourist accommodation. This would have economic benefits, and would assist in diversification of the rural economy. The appellant also indicates that there is an opportunity to improve on-site biodiversity via the installation of bat and bird boxes, vegetation management and landscape planting.
28. However, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the setting of the LB and the great weight given to the conservation of designated heritage assets.

Higham Arable Farmlands Landscape Character Area

29. The appeal site lies within the Higham Arable Farmlands Landscape Character Area (LCA) which is characterised by flat grazing marsh with a lack of vegetation, sense of remoteness with extensive views across the marshes, limited roads and limited historic development. The Gravesham Landscape Character Assessment (2009) highlights guidelines to 'restore and create'.
30. The rhythm and repetition and large expanses of fenestration on the front and rear elevations would erode the rural character of the farmstead and appeal building and would be visible from Church Street and the open countryside to the west. The introduction of these overtly domestic features would undermine the character of surrounding open landscape. This would adversely impact the local distinctiveness of the LCA.
31. The proposal would therefore conflict with policies CS12 and CS19 of the CS Strategy and the Framework which together seek to ensure proposals are well-designed and conserve, enhance and integrate well with the surrounding local area including distinctive landscape areas.

Protected species

32. The appellant has submitted a Preliminary Roost Assessment (PRA) dated April 2023. This indicates that the appeal building has a moderate value for roosting bats, and that the appeal site and its boundaries could be used by local bat populations for foraging and commuting. The PRA recommends that two bat emergence and re-entry surveys are required during the active bat season (between May to August).
33. The appellant's Statement of Case indicates that a bat emergence survey and report has been carried out. However, I have not been provided with any further evidence in this regard.
34. Paragraph 99 of Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
35. In the absence of the bat emergence survey and report it is not possible to confidently ascertain that there are no bats roosting within the site.

36. Paragraph 193 of the Framework advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
37. In conclusion, in the absence of sufficient evidence to the contrary, the proposal would potentially cause unacceptable harm to protected species. This would be contrary to policy CS12 of the CS which seeks to ensure there is no net loss of biodiversity and that where a negative impact on protected species cannot be avoided compensatory provision will be required. For similar reasons, the proposal would not accord with the Framework, including paragraph 193.

Other considerations

38. I have had regard to the benefits of the proposal. It would bring a vacant building back into a productive use and would contribute to the supply of tourist accommodation in the area. This in turn would have economic benefits and would promote the diversification of the rural economy. Given the limited scale of the proposal these benefits carry moderate weight.
39. The appellant indicates that ecological enhancements have been incorporated into the proposal including bat, bird and bee boxes and native planting that supports a variety of habitats. This is afforded moderate weight.

Other Matters

40. The appeal site is within the zone of influence (ZOI) of the Thames Estuary and Marshes Special Protection Area (SPA), and Wetland of International Importance under the Ramsar Convention (Ramsar Site).
41. The SPA is a habitats site that has a high level of protection. It is designated due to the presence of wetland and it supports important numbers of wintering waterbirds and migrating birds. The appeal site is within 6km of the SPA where, without any mitigation in place, in combination with other plans and projects the Council state that there would be a likely significant effect on the interest features of the site from the proposed residential development.
42. The appellant has indicated a willingness to sign up to the Strategic Access Management and Monitoring agreement as requested and has submitted a Unilateral Undertaking to secure the requisite contribution. However, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it would not alter my findings on the main issues.

Green Belt Balance and Conclusion

43. The development is inappropriate development in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt.
44. Moreover, the development fails to preserve the setting of St Mary's Church and the character or appearance of the CA. The harm to the significance of those designated heritage assets is less than substantial, but still of considerable importance and weight. I have also found that the proposal would harm protected species. This carries significant weight.

45. Overall, the harm identified is not outweighed by the other considerations and therefore the very special circumstances necessary to justify the development do not exist. Consequently, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR