



Appeal Decision

Hearing held on 22 March 2022

Site visit made on 22 March 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/T2215/W/21/3276313

Woodside, Hook Green Lane, Wilmington, Kent, DA2 7AJ

- 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 W Taylor against the decision of Dartford Borough Council.
 - The application Ref DA/21/00306/FUL, dated 26 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is conversion, infill and external alterations to existing brick stable building to form detached dwelling with defined curtilage, parking and amenity space, plus conversion of existing timber building to form 2 stables.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
3. The appeal site has been subject to a previous dismissed appeal (Ref: APP/T2215/W/19/3242808) for the change of use and extension of existing stable block to a 3 bedroom dwelling together with associated alterations to elevations. The proposal before me seeks to address the concerns and conclusions reached by the previous Planning Inspector. I have had regard to that appeal decision in reaching my decision.

Main Issues

4. The main issues raised in respect of this appeal are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) Whether the site would be a suitable location for housing with regard to the development plan policies; and
 - c) Whether the 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 proposed development.

Reasons

Inappropriate development

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 150 of the Framework allows for certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and e) material changes in the use of land.
7. Policy CS13 of the Dartford Core Strategy 2011 (the Core Strategy) and Policy DP22 of the Dartford Development Policies Plan 2017 (the DDPP) state that inappropriate development in the Green Belt will be resisted in accordance with national planning policy. Policy DP22 states that applications for re-use should relate to lawful permanent buildings of substantial construction. There is no dispute between parties that the existing stables is a permanent building of substantial construction and is lawful. Policy DP22 also states that the re-use should take into account the character and scale of the existing building and in circumstances where character and scale are important to local setting, excessive external alterations and additions will not be permitted.
8. In order to meet the exceptions of paragraphs 150 d) and e) of the Framework, it is necessary to assess the effect of the proposed development on openness. Openness is the absence of development that can have both spatial and visual aspects. The impact of a development on openness is not necessarily related to just its size but its purpose.
9. The existing stable block is of limited scale and has a functional appearance, reflecting that of its intended purpose, to stable horses. It is set next to a paddock where the land is open. I acknowledge that there is existing residential development close by and within the Green Belt. However, this is relatively loose knit and is surrounded and interspersed by open undeveloped land that hosts those characteristics of a rural landscape of tree belts with open fields. The existing stable block reflects the nature of its use and the character of the rural environment.
10. The proposed elevations have been designed to retain the appearance of the building as a stable with most of the openings facing the courtyard. However, if converted to a dwelling the building would no longer function as a stable. Even if the building would appear akin to a stable and the parking arrangement would remain the same, it would function as a dwelling and would not limit domestic activity of the undeveloped parts of the site. Although reduced in size to that previously proposed, the associated garden would provide outdoor living space relating to the proposed dwelling. Internal storage would be provided within the pitch roof space and the replacement lean-to. Even so, I consider

the occupiers would reasonably expect to use the outdoor space for their residential enjoyment where seating and other domestic paraphernalia, such as washing lines, refuse/recycle waste storage would be placed.

11. The site would appear more intensively used as a domestic site and would add to both the spatial and visual impact of the development having an urbanising effect. This would be further compounded by domestic lighting, whether emitting from the dwelling or within the grounds, as this would add to the domestic presence of the proposed development at night. The dwelling would at night be more intensively used than the stables. Taking these matters collectively, this would be to the detriment of openness, purpose and character and appearance of the Green Belt.
12. The visual effect of the proposal would be confined to some extent to the courtyard, primarily in relation to those alterations proposed to the building. However, its functioning as a dwelling with its associated residential garden, both day and night, would have a perceivable visual impact upon the Green Belt landscape. I observed the development would be seen through the vegetation along Hook Green Lane and the adjacent PROW, especially during those months when vegetation is not in leaf. Whilst there are residential properties within this Green Belt landscape, the creation of a new residential unit with its domestic grounds within the Green Belt would have an unacceptable additional urbanising effect on the Green Belt.
13. Taking these matters collectively, the proposal would cause harm to the openness of the Green Belt. As such, the proposal would not comprise an exception to the inappropriate development when assessed against any of the exceptions within paragraph 150 of the Framework. Amending the proposal by removing an opening within the eastern elevation and altering the floor layout to create a 2 bedroom dwelling would not make the development more acceptable. Furthermore, I do not consider that the imposition of conditions relating to landscaping and removing permitted development rights to control extensions and boundary treatment would ameliorate the objections sufficiently to allow permission to be granted.
14. Consequently, taking all of the above together, the proposal would fail to preserve the openness of the Green Belt. Paragraph 138 of the Framework sets out the five main purposes of the Green Belt for including land within it. By being urbanising development, the proposal would conflict with safeguarding the countryside from encroachment, which is one of those listed purposes of the Green Belt. The proposal would be inappropriate development which, by definition, would be harmful to the Green Belt.

Location

15. The spatial strategy for the Borough is set out in Policy CS1 of the Core Strategy. Policy DP6 of the DDPP sets out that windfall residential development may be permitted following assessment in accordance with Policy CS10 of the Core Strategy. Policy CS10 states that these developments will be assessed having regard to, amongst other things, the sustainability of the site for housing and whether the benefits outweigh the disbenefits. This is to ensure that the delivery of housing does not undermine the spatial strategy set out in Policy CS1. For planning purposes, the appeal site is located within the countryside.

16. The Council's Housing Windfall Supplementary Planning Document (SPD) provides clarification and criteria as to how Policy CS10 is to be assessed. The SPD advises that proposals must be within easy walking distance of a range of community facilities, including schools, shops, leisure and recreation facilities, be pleasant and safe routes and be well-located with respect to walking/cycling and public transport.
17. Wilmington hosts the closest facilities and services that include a church, a shop, hot-food takeaway and community hall at distances of approximately 480 to 800 metres from the appeal site; along with primary and secondary schools around 800 metres and 1km away and a public house over 1km away. Bus stops at Leyton Cross Road and within Wilmington village are around 700 to 800 metres from the site. A children's play area is about 900m away with a large play area 50m beyond that.
18. Hook Green Lane and Broad Lane would provide the most direct routes to these services, facilities and bus stops. They comprise rural lanes enclosed by boundary vegetation. There are no footpaths or lighting. There is a 60mph speed limit in place and I saw that vehicles travel at speed along these highways. The nature of the highways would not encourage walking or cycling, particularly during hours of darkness and inclement weather.
19. A Public Right of Way that runs past the site provides a route to the north. Nonetheless, it is some distance to services and facilities and the unmade surface, lack of lighting and enclosed nature of the route would not make this an attractive option for walking and cycling, again particularly during hours of darkness and inclement weather.
20. It would, therefore, be extremely likely that future occupiers would rely on private transport to reach services and facilities. The environmental objectives of the Framework seek to mitigate and adapt to climate change and to move to a low carbon economy. The proposal would not satisfy these objectives.
21. There are six stables in total at the site, four of which would be removed as a result of the conversion of the brick built stable building to residential use. I have been referred to a livery stable at Monteray Close in Bexley. That example is said to have been used to provide evidence of typical traffic generation for similar uses. The stables at Monteray Close is a livery stable of larger size to that of the stables before me. Furthermore, the stables before me are limited by condition to prevent them being used as a livery or for any other commercial purposes. However, being a larger stable used for livery I am not persuaded that stable would provide comparable trip generation information to inform trip generation at the Woodside stables.
22. Much discussion took place at the hearing over potential vehicular movements that the lawful stable block and field shelter could generate. There would be more comings and goings than at present if all stables hosted horses, whether by the owner or other individuals. I heard evidence that the family visit the stables 3 times a day. These journeys would be removed if the appellant resided at the site and would off-set vehicles movement if the site was converted to residential use and those if the stables were used to stable other horses.
23. However, the day-to-day needs of those residing at the site would generate travel journeys. Residential use would also generate postal deliveries, visitors,

and comings and goings to access employment, services and facilities further afield during the daytime and into the evening. Whilst the stables would generate travel journeys, I consider the occupation as a dwelling would increase the frequency of travel. As such, the proposal would lead to an increase in the need to travel and this would be a disbenefit of the proposed development. Furthermore, this greater level of domestic related travel activity over the course of the day would harm the character of the openness of the Green Belt and would be a further harm by reason of inappropriate development.

24. Paragraph 79 of the Framework promotes sustainable development in rural areas where it enhances or maintains the vitality of rural communities. The support offered by the occupiers of one dwelling to services and facilities in Wilmington and the surrounding rural area would be limited. Given my conclusion that the occupiers would be highly reliant on private vehicle this would likely encourage travel further afield.
25. For the above reasons, I find that the benefits of the scheme do not outweigh the disbenefits in terms of the harm to the Green Belt and the poor accessibility to services and facilities by sustainable methods as an alternative to that of private vehicle. The proposed development would, therefore, conflict with Policies CS1 and CS10 of the Core Strategy, Policy DP6 of the DDPP and the guidance set out in the Dartford Housing Windfall SPD. These policies and guidance seek, amongst other matters, to promote sustainable patterns of development and to reduce car usage.

Other Considerations

26. I note that the appellant wishes to provide for the family's long-term housing needs as the family will need to move from their current home in the future. It is clear from what I heard and the evidence that supports the appeal that the appellant's adult son, whom has special needs, benefits from the support and care of his family and being within the countryside with his horse. Living at a dwelling at the site full time would positively contribute to his mental health and wellbeing. I accept that allowing the appeal would have a substantial benefit in these respects and would provide the appellant with a home for the future. These are significant benefits of the scheme.
27. The applicant has referred to other examples of stable conversion proposals within the Green Belt in Dartford Borough's administrative area. Whilst those examples may relate to equestrian related buildings and their conversion to a dwelling, the previous Inspector commented that each proposal involves its own consideration on merits and individual planning balance to be applied. I have reached the same view on this matter.
28. There is also an appeal example relating to a change of use of a piece of land in the Green Belt to domestic garden in Worcestershire (Appeal Ref: APP/H1840/W/19/3235302). However, the proposal before me relates to the creation of a new residential development with associated garden in a location where the characteristics of the site are quite different. The proposal before me can and should be considered on its own merits. That appeal decision holds no weight in support of the proposal.
29. I have been directed to Policy DP7 of the DDPP by the appellant which states that the creation of residential dwellings will be permitted where, amongst

other matters, it is supported by development plan policies. Policy DP22 of the DDPP is applicable in this case that resists inappropriate development in the Green Belt. I attribute substantial weight to the proposal representing inappropriate development within the Green Belt.

30. The proposal would be a windfall site relating to previously developed land. Whilst the Council has in place a five year supply of deliverable housing sites, this does not place a cap on other windfall developments coming forward. Nonetheless, being a proposal for one windfall dwelling the benefits of providing new housing would be extremely limited. Any benefits to housing supply, including windfall site/small site provision, and to the economy through construction works and local spend, are reduced by the development being inappropriate development in the Green Belt and the poor accessibility to services and facilities for future occupiers, which are clear disbenefits of the scheme.
31. The appellant has referred to an appeal in Dartford (Appeal Ref: APP/T2215/W/19/3235679) that considered the Council's strategy for managing windfall development that is advocated to be an example where windfall site has been treated more favourably by Inspectors. In that case the Inspector found that the limited scale of that proposal would not have a significantly adverse effect on the Council's windfall strategy set out in the development plan and SPD. That proposal related to a frontage development within an established residential area of frontage development and within an existing settlement. Given this site is in the countryside Green Belt, the site circumstances are not clearly comparable. That appeal decision thus holds little weight in favour of the scheme.
32. I have considered the option of imposing a planning condition that would tie the occupation/ownership of the proposed dwelling to the continued use of the paddock and field shelter stables. However, this would not reduce the impact of travel and would not overcome the proposal representing inappropriate development within the Green Belt. Such a condition would, therefore, not serve a useful purpose and as such, offers no support in favour of the proposal.
33. There is both local support and objection to the proposal. Local concern has been raised to fly tipping and that the proposal would deter such activity and would improve security. This would be a moderate benefit of the scheme.

Conclusion

34. I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework as it would not preserve the openness of the Green Belt as required by the Framework. The proposal would conflict with Policy CS1, CS10 and CS13 of the Core Strategy and Policies DP6 and DP22 of the DDPP. Therefore, the proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
35. I sympathise with the personal circumstances of the appellant and his family. However, I am mindful that the harm identified would be permanent. Whilst these matters carry substantial weight the harm to the Green Belt is not outweighed by the appellant's particular circumstances. The benefits of the other considerations, which at best hold moderate weight, even when taken

together and with the personal circumstances of the appellant and his family, do not clearly outweigh the harm that I have identified.

36. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Nicholls, Graham Simpkin Planning
Mr Taylor, applicant
Mrs Taylor, applicant
Lorna Kahan, local resident and interested party
Raymond Scawn, local resident and interested party

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Apperley, Dartford Borough Council
Emma Eisinger, Dartford Borough Council
Christina Walker, Dartford Borough Council

Documents provided at or before the Hearing:

Attendance sheet
Statement of Common Ground with supporting Drawing No 10 Revision A
Representations from Christine Barnes, Alan Horgan and Dave Brooker
Appellant's Statement of Case Appendix PN10
Update on emerging Local Plan (for information only)