



Planning Inspectorate  
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

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19900655

D/285/HB/P

Direct Line 0272-218 927  
Switchboard 0272-218811  
GTN 1374

The Downes Planning Partnership  
24 Greenvale Road  
Eltham  
LONDON  
SE9 1PD

Your reference  
SD/90/131

Our reference  
T/APP/K2230/A/91/180407/P8

Date

17 OCT 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR A THOMAS  
APPLICATION NO:- GR/90/0655E

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Gravesham Borough Council to refuse outline planning permission for the erection of 2 No dwellings and ancillary garaging on land adjacent to 'The See Ho' public house, Shorne Ridgeway. I held an informal hearing into the appeal on 13 August 1991.
2. From my inspection of the site and its surroundings and my consideration of the representations made I consider there to be 2 main issues in this case. Firstly, whether the proposal would accord with Green Belt policies which are generally designed to resist inappropriate development and, if not, whether there are any very special circumstances in this case to justify an exception. Secondly, the implications for highway safety and free flow of traffic on Pear Tree Lane from the use of the proposed access.
3. On the first issue, the site is situated within the approved Metropolitan Green Belt and as such there is a strong presumption against inappropriate development. No case has been put forward on behalf of your client that the dwellings are required in connection with agriculture or any other appropriate use.
4. The argument put forward on behalf of your client is that the boundary of the village has been incorrectly drawn on the eastern side. At present the eastern boundary of the built-up area of the village runs down the eastern side of the curtilage of Rose Cottage. Your suggested re-definition of the boundary would incorporate the appeal site, the curtilage of Ewhurst to the south and the 3 properties to the south of the public house and its car park.
5. In support of your suggested re-definition you cite the Council's current review of the Borough Local Plan which was placed on deposit in September of last year. This proposes to include, within the village envelope, the public house and its car park which is to the west of the appeal site and the bungalows to the north, on the opposite side of Pear Tree Lane. Furthermore, you argue that, in 1972, planning permission for residential development was granted in respect of the appeal site and although that permission has lapsed it confirms its appropriateness for residential development. More recently, planning permission was granted for use of the site as a bat and trap pitch and garden in connection with the adjoining public house. Although you acknowledge that Government advice stresses that Green Belt boundaries should only be altered in very special circumstances the position of the

public house as a centre of village life and the previously mentioned circumstances all suggest that this is such a case.

6. I find that very little has materially changed along the Pear Tree Lane frontage since the Inspector considered and dismissed the appeal in respect of the residential development of the appeal site in 1976. To the north of the appeal site the pre-war bungalow development appears to me as sporadic ribbon development bounded as it is on 3 sides by open countryside. The position of these dwellings, somewhat lower than the road, emphasises this impression. On the south side of the road the development to the south of the green, between Ridgeway House and Rose Cottage, appear as part of the settlement area because of the similarity in plot width, the similar distance the buildings are set back from the road and their occupation of almost the full width of the site. Bowesden Lane marks a change in that suburban-like character.

7. The public house, its car park and the appeal site beyond, in my view mark the change to a looser, more rural character as one travels eastwards along Pear Tree Lane. The rural character of the appeal site is re-inforced by its grass cover, the substantial hedgerow along the Pear Tree Lane and the view of tree and vegetation cover to the east. In this context I consider the open character of the appeal site performs an important function in giving visual definition to the settlement area and the setting of the village at this part. In my view the proposed development would destroy its present open, rural character and would erode its function in giving definition to the settlement area and setting of the village. I conclude that the development would demonstrably harm the character and appearance of the Green Belt and the countryside at this part.

8. I have considered the argument you put forward that the proposed development would be acceptable under Policy RS2 of the Kent Structure Plan. This policy restricts new residential development at villages and rural towns to minor redevelopment and minor development such as infilling. I cannot agree that this policy could reasonably be applied to the appeal proposal. For the reasons already outlined I do not consider the site to be within the settlement area of the village. Moreover, I do not consider that the erection of 2 dwellings plus their garages in a frontage of some 50 m, where at present the buildings either side are some 90 m apart, could reasonably be regarded as infilling or minor development within the context of this policy.

9. Furthermore, whilst the public house may play a central role in the social life of the village I cannot agree with you that physically and visually it holds a central position in the layout of the village. Whilst I acknowledge that the Council are re-examining the boundaries of the village envelope to the north and west of the appeal site in their review of the Local Plan, those proposals may or may not be carried through in the subsequent stages towards adoption. However, I do not agree that the Council's current review and the previous, but now lapsed planning permission, support your contention that there exists very special circumstances which would justify a redefinition of the Green Belt boundary independantly of the Council's current review. Meanwhile, I have to consider the proposal on its own merits.

10. On the second issue, the Council's highway representative agreed during the hearing that the revised layout shown on drawing No 073/001A would overcome the Council's reason for refusal No 6. The latter was based on the siting of the proposed garages on the application drawing which would have required vehicles to reverse into or out of the site.

11. The remaining objection at issue, on highway grounds, relates to the adequacy, or otherwise, of the visibility splays at the proposed access with Pear Tree Lane. Of the 2 interpretations of the advice set out in Planning Policy Guidance (PPG13), I am persuaded that the Council's interpretation would be the most appropriate to the conditions and circumstances at the appeal site. This was based on the classification of the road (Class C), the volume of traffic, particularly at peak hours, the absence of a footpath and street lighting and an 85 percentile speed of 39.5 mph. Under such conditions PPG13 advises a visibility splay of 120 m x 2.4 m x 120 m should be sought.

12. However, it was argued on behalf of the appellant that the advice in PPG13 acknowledges that it will not always be practical to comply fully with visibility standards. Visibility splays of 70 m x 2 m x 41 m could be attained at the proposed access and this would be adequate for this stretch of road which has no record, over the past 3 years, of accidents involving personal injury attributable to vehicles entering or leaving a private access. Furthermore, the accident rate is well below that expected for this class of road and the attainable visibility splays would be better than most other private accesses on Pear Tree Lane.

13. Notwithstanding the low recorded personal injury accident rate and the existence of private accesses on Pear Tree Lane with inferior visibility splays I regard the creation of a new access with a sight line, to the east, some two-thirds below that recommended in this situation would be likely to create potentially dangerous conditions on Pear Tree Lane for vehicles and pedestrians both on the highway and emerging from the access and this would be unsatisfactory. Whilst it is acknowledged that a number of existing accesses on Pear Tree Lane have poor, or poorer, sightlines than that attainable for the appeal site, these properties have existed here for many years. The latter situation does not, in my view, justify the creation of a further access which is substandard in one direction and grossly substandard in the other.

14. I have taken account of all other matters raised, but they do not outweigh the planning considerations which have led to my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant



I J BROYD DipTP ARICS  
Inspector