



Appeal Decision

Site visit made on 5 September 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/K2230/D/23/3320672

Priesthood, Priestwood Road, Meopham, Gravesend, Kent DA13 0DA

- 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 Mrs Emma Davey-Brown against the decision of Gravesend Borough Council.
 - The application Ref 20220967, dated 1 September 2022, was refused by notice dated 31 January 2023.
 - The development is a retrospective application to retain privacy fence over 1m to front of property, and erection of new gates, pillars and wall over 1m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issue

4. The main issues are :
 - 1) Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - 2) the effect of the development on openness of the Green Belt;
 - 3) the effect of the development on the character and appearance of the surrounding area;
 - 4) the effect of the development on highway safety; and

- 5) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 154 and 155, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
6. The Appellant acknowledges that new buildings are considered to be inappropriate development but sets out this proposal relates to the erection of gates and fencing which they consider incidental to the existing built development. However, according to section 336 of the 1990 Act, the term 'building' refers to any structure or erection. Therefore, this would apply to a fence or gate and as such must be considered as being a building for the purposes of paragraphs 154 and 155.
7. Taking the above into account, the proposal does not fall within any of the exceptions listed in paragraphs 154 or 155. I therefore conclude that the proposal is inappropriate development in the Green Belt.

Openness of the Green Belt

8. One of the five purposes of a Green Belt, outlined at paragraph 143 of the Framework, is that it should assist in safeguarding the countryside from encroachment. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect.
9. From the evidence before me, prior to the erection of the fence at the road frontage, there was a low-level wire fence which allowed for views across the site.
10. In contrast to the former position, the appeal proposal limits views across the site, and beyond, and would lead to a loss of Green Belt openness. Whilst such a loss of openness is not significant, it nevertheless has a negative perceptible impact.
11. In coming to that view, I acknowledge that the fence is behind a mature and established hedge which helps to some extent in screening it and with its visual integration in the streetscene. However, this does not overcome the loss of openness.
12. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework.

Character and appearance

13. Priesthood is a detached bungalow located on Priestwood Road. It is set back from the road and there is hedging along the boundary of the property, as well as a low-level wire fence and cattle gates. The surrounding area is rural and is characterised by cottages within moderately sized wooded plots with low lying boundary planting to the frontages.
14. The Gravesham Landscape Character Assessment (May 2009) (the 'GLCA') states that recent plots and buildings are indistinct and enclosed by mismatched fencing or suburbanised walls, gates and railings. Some of these incongruous elements are replacing traditional features through the modernisation of vernacular buildings. At my site visit I noticed a few examples of such fencing and gates. It is the objective of the GLCA that the strong landscape elements should be conserved, and design standards defined to halt the erosion of the area with inappropriate development.
15. To my mind, the fence at the appeal site is an incongruous element as it contrasts with the more traditional boundary treatments by virtue of its materials and height. The fence features dark grey slats which are positioned at the top of the fence and are not in keeping with the surroundings and contrast with the more natural and subtle form of boundary treatment. At its highest point this fencing reaches a height of around 2 metres which is of an inappropriate scale and does not serve as a positive contribution to the street scene or wider landscape.
16. The appellant contends that the post and wire fencing is to replace existing dilapidated fencing of a similar height and would not require permission. However, this is not the subject of the appeal. It is the slatted fence installed behind this low-level wire fencing which also features a void at the bottom of the fence and appears as an awkward installation which is visually unappealing. The appellant has also referred to other examples of high boarded fences and gates. However, the GLCA acknowledges the existence of such examples as stated above and aims to stem the proliferation of such incongruous elements. Nevertheless, the existence of precedent is not justification for harmful development. The circumstances which led to such development are not before me, and each proposal for development must be considered according to its own merits.
17. Furthermore, it is proposed that the existing low-level cattle gates will be replaced with 1.9 metres high boarded gates flanked by brick pillars either side at approximately 2 metres in height. These would also be significantly more imposing than the existing cattle gate and would be harmful to the of the character and appearance of the rural landscape.
18. Taken together, by virtue of their scale, materials and design, the fence, new gate, pillars and wall would be harmful to the rural character and appearance of the surrounding area. Consequently, they would conflict with the aims and objectives of Policies CS12 and CS19 of the CS. These seek, amongst other matters, to ensure that the design, layout and form of new development will be derived from robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area.

Highway safety

19. Priestwood Road is a narrow single width rural lane. It has limited passing places which are often only available where there are vehicle accesses from dwellings on to the road. There is poor forward visibility, as the road is edged by trees and mature hedging. As observed at my visit to the site, and noted in the submissions, there are two accesses to the appeal site - both of which have been present for a significant period of time. There are also existing gates at both accesses, which from the evidence before me appear lawful. The fence is also set behind vegetation which has its own impact on visibility from the site.
20. The Council's highway officer acknowledges the existing access, and states that it wouldn't be reasonable to insist that the gates are set back the normally required 6 metres from the highway. It is suggested that the gates should be set back 2.4 metres for visibility purposes.
21. However, I consider that the proposed gates and fence would not have any greater impact on visibility than the existing situation, nor would their operation impact on visibility. I am also conscious that the proposal at the southern access offers a technical improvement on the existing situation. Taking all of these factors into account, I am of the view that the proposal would not give rise to an unacceptable impact on highway safety.
22. Consequently, the proposal would accord with Policy CS11 of the CS and the overarching objectives of the Framework. These, amongst other matters, seek to ensure that new developments mitigate their impact on the highway.

Other considerations

23. The proposal would benefit the appellant in terms of the enjoyment of their home and family life, by helping to protect their privacy and security. However, this is a narrow, private benefit and can only be given very limited weight in favour of the development.

Green Belt balance

24. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to openness. It would also harm the character and appearance of the area.
26. In summary, the very limited weight attributed to the other considerations in this case does not clearly outweigh the substantial harm I have identified.
27. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify the proposal does not exist. As such, the proposal would conflict with the Framework.

Conclusion and Recommendation

28. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence, and my representative's recommendation, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR