



Amanda Cue
Planning Department
Gravesham Borough Council

Date: 3 December 2024

Our Ref: M24/PJ096.01

Your Ref: 2024/0600

By email only: planning.reps@gravesham.gov.uk

Dear Amanda

RE: CHANGE OF USE OF THE LAND FOR THE STATIONING OF 2 STATIC HOMES, 2 TOURING CARAVANS AND SHARED DAY ROOM FOR GYPSY/ TRAVELLER OCCUPATION. ASSOCIATED HARD AND SOFT LANDSCAPING. LAND SOUTH OF PEAR TREE LANE PEAR TREE LANE SHORNE GRAVESEND KENT

We have been instructed by a local resident in respect of the above application and submit this objection letter on their behalf.

Whilst the planning statement makes reference to the most recent planning history we consider it relevant from the outset to set out the full planning history insofar as it is relevant to the proposals. From the council's online planning service we can therefore see the following:

Ref	Description	Outcome
19710406*	The erection of three detached dwellings	Permitted
19750434	Outline application for the erection of two dwellings	Refused
19770771	Outline application for the erection of two dwellings	Refused
19900655	Outline application for the erection of 2 no. detached dwellings with garages and formation of associated vehicular access onto a classified road.	Refused
APP/K2230/A/91/180407	Outline application for the erection of 2 no. detached dwellings with garages and formation of associated vehicular access onto a classified road.	Appeal Dismissed
20120693	Outline application for erection of a detached dwelling and garage.	Refused
APP/K2230/A/12/2186760	Outline application for erection of a detached dwelling and garage.	Appeal Dismissed
20200339	Outline application with some matters reserved for the erection of two dwellings	Refused
APP/K2230/W/20/3258951	Outline application with some matters reserved for the erection of two dwellings	Appeal Dismissed

* This application related to two parcels of land being the current application site to the east of the See Ho PH and then also a further parcel to the south. That southern parcel was subsequently developed out albeit that the dwelling remains in the Green Belt.

Whether inappropriate development

As a starting principle it is immediately apparent that the application site falls outside of the rural settlement boundary identified pursuant to Core Strategy policy CS02. This means that the application site falls within the defined Green Belt as evidenced on the Core Strategy Policies Map, plan 8. Given the Green Belt location, the first principle to immediately establish is whether or not the application is appropriate development in the context of paragraph 154 of the NPPF. There are no provisions for the proposed development in any of the exceptions such that the development must be deemed

inappropriate development, therefore relying on very special circumstances (VSCs) to support the development. The supporting planning statement with the application is entirely silent on the matter of demonstrating said VSCs despite the acknowledgement at paragraph 6.5 that the scheme:

“would not meet an exception to inappropriate development.”

It is not for the council to demonstrate VSCs to support an otherwise unacceptable form of development and therefore unless the applicant provides additional information it is hard to understand how in this case the requisite VSCs criteria would be met through this application.

Impact on openness

At paragraph 6.6 it would appear that the applicant is suggesting that the proposals would only amount to limited impact upon openness, thus limited harm, as well as limited encroachment within the Green Belt. In terms of openness, it is necessary to consider both physical and spatial impacts such that while the bulk and mass of the proposals might be limited (albeit that 2 touring caravans, 2 mobile home and 2-day rooms as shown on the proposed block plan are not limited compared to the overall site coverage) the spatial implications are still significant and amount to harm. Openness was of course considered in the context of the planning appeals and the inspectors in those cases noted:

“In terms of openness of the Green Belt, I am mindful that the appeal scheme is in outline, and therefore information in terms of the precise layout, scale and appearance of the dwelling is limited. However, it is clear that the currently open nature of the site, which has a distinct absence of built form, would be lost through the erection of a detached two-storey house of about 275m² floor space with a ridge of approximately 8.775 metres, together with a single storey detached double garage of about 35m² with a ridge height of about 5.350m, as described in the Design and Access Statement. Accordingly, the proposal would result in the loss of the open nature of the site and therefore significantly erode openness of the Green Belt. I therefore conclude that the proposal would have an adverse impact on the openness of the Green Belt.” (paragraph 12 of 2186760)

“I appreciate that the tall, evergreen hedge partially screens the site from the lane. While it would obscure some views of the new houses, because of the bulk and height of the houses and their visibility through the access, it would not sufficiently mitigate their visual impact on the openness of the Green Belt. The reduction in openness from the development would be permanent, and it would compromise the objectives of the Framework in keeping Green Belt land permanently open.” (paragraph 28 of 3258951)

Of course, the current application is materially different in nature to the outline residential dwellings that came before, but the matter remains that development of this site will result in harm to the openness of the Green Belt.

Harm to the Green Belt

With regard encroachment, it is accepted that the application site does represent a vacant field sitting between the edge of the rural settlement to the west and detached properties to the immediate east. Nevertheless, those properties are within the Green Belt such that the proposed development of this site would amount to encroachment in the Green Belt. Given that the settlement boundary is so clearly defined there can be no argument that this site could amount to limited infilling within a village, a point which the applicant accepts by virtue of their paragraph 6.5. That is a sensible position to have accepted given that the matter of infill development was well considered in the context of previous appeals on the site and multiple inspectors have deemed that the site does not meet the definition.

Landscape character impacts

There is also the landscape character impact arising from the proposed development to consider. The planning statement considers that the landscape impacts are limited, however again we can turn to the more recent appeal decision on this application site as it assessed the landscape character of the area in much detail. The inspector first noted at paragraph 30 that:

“Given that the site is surrounded by plots containing buildings and it does not contain woodland, its development for housing, including the paraphernalia of residential occupation, would not undermine the contribution of woodland to the distinctiveness of the area as described by the LCA.”

They then went on to note at paragraph 31 that:

“I have already described the two patterns of development in the area, the tighter-grained, more built-up sections within the settlement, and the looser-grained more rural character of development beyond it, and to which the appeal site belongs. I appreciate that layout and scale are reserved matters. Also, the appellant’s plan indicating the developable area of each plot is only indicative. Nonetheless, given the size of the site, and even allowing for dwellings of very modest footprints, the development would in effect place development which is more typical of the tight-grained, built-up sections within the settlement of Shorne Ridgeway on a site clearly belonging to the looser-grained, more rural character of development beyond the settlement.”

The landscape character of the area was therefore defined as being buildings of looser grained form beyond the settlement boundary. The very character of the current application therefore would fail to adhere to this character by reason of the nature of the caravans as opposed to buildings, but also the layout of the site as shown on the block plan which dominates the site with hardstanding and limited landscape space. The inspector went on to consider the weighting of such harm and noted at paragraph 35 that:

“I conclude on this issue that the development would conflict with CS policies CS12 and CS19 which protect landscape character, and which require development to conserve and enhance the character of the local built and natural environment and to integrate well with the surrounding local area. It would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area. To this harm I attribute substantial weight.”

It is of course a matter for the council to determine whether or not this application triggers the need to consider the mandatory requirements for BNG. The accepted exemptions relate to developments below certain thresholds (those being 25sqm of on-site habitat or 5 metres of on-site linear habitats), householder applications, self-build and custom build applications, Biodiversity gain sites, High speed rail transport network schemes, and other exemptions ([Biodiversity net gain: exempt developments - GOV.UK](#)). On the face of it I do not therefore believe that this application would avoid the need for BNG. Nevertheless, even if the mandatory requirements of 10% BNG do not apply the terms of paragraph 180d) still apply which require all schemes to minimise impacts on and provide net gains for biodiversity. No supporting information appears to be provided to demonstrate how these requirements have been met.

Other considerations

Planning policy for traveller sites was produced in 2015 setting out the approach towards determining applications for traveller sites as well as the approach for plan making. Policy B sets out the approach for plan making to deliver pitches for gypsies and travellers, having regard to identifying specific sites for a 5-year period and then broader locations for subsequent years.

Policy E provides specific guidance for sites in the Green Belt. Paragraph 16 clearly notes:

“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”

The matter of need for the development is the primary justification for this proposal. The applicant refers to the recent appeal decision in Heron Hill Lane, Culverstone (APP/K2230/W/24/3336250) in support of the needs case, which is noted, however it is relevant to note paragraph 29 of that decision which notes:

“In accordance with the PPTS, in these circumstances, lack of supply should be a significant material consideration in relation to a planning decision when considering the grant of a temporary planning permission. However, the PPTS makes it clear that this does not apply to

sites within, amongst other things, the Green Belt. It also does not say that the lack of supply is a significant material consideration when considering permanent schemes."

It is of course a matter for the decision maker to determine whether or not the personal circumstances of the applicant are of significant weight to counter the harm by reason of inappropriate development in this case. It is of course right that the planning balance is undertaken in accordance with the terms of paragraph 153, states that:

"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."

Planning balance

In this case we know that the applicant correctly acknowledges the development is inappropriate and that this therefore carries significant weight against the proposals. In addition, they also acknowledge harm to the openness and harm by reason of encroachment, which further count against the application. We know from the more recent appeal that landscape character impacts were also attributed substantial weight against the proposals.

This therefore means that the proposal in inappropriate development, reduces openness and compromises the objectives of the NPPF in regard to keeping land open and conflicts with paragraph 143 (d). This is all afforded significant weight. In addition, the landscape character harm is afforded substantial weight as a further harm arising from the proposals.

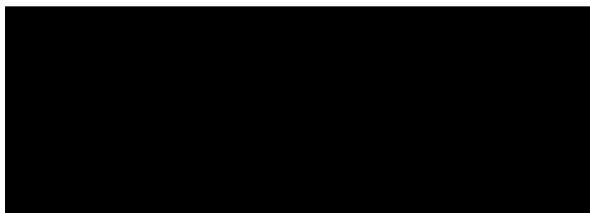
Weighing in favour of the scheme would appear the matter of need as this was recognised in the Heron Hill appeal previously referenced. However, we can also have regard to the PPTS on this matter, which is a matter for the decision maker. The only matter on how to balance need though is helpfully set out in the context of the most recent appeal on this site as the Inspector had regard to the matter of that scheme delivering self-build or custom homes. Through legislation there is a requirement for Council's to maintain a register of the need for such plots and then ensure that sufficient permissions are granted in each relevant period to meet that demand, where there is a demonstrable failure to meet the required permissions, this carries significant weight in favour of proposals at appeal. That said, the inspector nevertheless concluded at paragraph 45 that:

"Though the number of dwellings proposed is modest, in an area where there are no self-build or custom dwellings, the development would help to achieve the government's objective to diversify the housing market and increase consumer choice. The Council accepts that it does not have a 5-year supply of deliverable housing sites, a shortfall which this proposal would help to reduce. Notwithstanding the reserved matters, were small bungalows developed, these would have accessibility advantages to all sections of society, a social benefit, their size also offering choice to those seeking smaller dwellings here. While all these social benefits of the housing are material considerations in favour of the proposal, because of the modest number of dwellings proposed, I attach only moderate weight to them."

The council therefore needs to consider whether the demonstrable need for gypsy and traveller sites outweighs the statutory requirement to identify sufficient self-build and custom plots that was inefficient to demonstrate the necessary VSCs in this case.

On behalf of our clients, we would respectfully suggest that the benefits from the proposed development do not clearly outweigh the identified harms and therefore suggest that planning permission should be refused.

Yours sincerely



Enc. APP/K2230/A/91/180407 decision notice
APP/K2230/A/12/2186760 decision notice
APP/K2230/W/20/3258951 decision notice



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Your reference
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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

Appeal Decision

Hearing held on 18 August 2015

Site visit made on 18 August 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2015

Appeal Ref: APP/K2230/A/12/2186760

Land adj. The See-Ho P.H., Pear Tree Lane, Shorne Ridgeway, Gravesend, Kent DA12 3JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Wood against the decision of Gravesham Borough Council.
 - The application Ref 20120693, dated 7 August 2012, was refused by notice dated 25 September 2012.
 - The development proposed is erection of a single dwelling.
 - This decision supersedes that issued on 8 May 2013. That decision on the appeal was quashed by order of the Court of Appeal.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved. At the hearing, the appellant made clear that the submitted plans are illustrative only; that is a theoretical layout and scale, which would be agreed in specific detail at the reserved matters stage. Given the lack of detailed information in terms of landscaping, access, appearance, scale and layout, I have proceeded on the basis that all matters are reserved.
3. The appeal site is located a short distance from the Kent Downs Area of Outstanding Natural Beauty and the Chestnut Green Conservation Area. Neither main party considers that the proposal would have an adverse effect on either designation. The boundaries of both were pointed out to me at the site inspection. Given the distance between both areas and the appeal site, and having taken into account the special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required by S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I do not consider that the proposal would have a harmful impact on either designation.
4. The application was refused as contrary to Policies TC1 and GB2 of the Gravesham Local Plan First Review 1994. Both parties agreed at the hearing that Policies CS01 (sustainable development) and CS02 (scale and distribution of development) of the Gravesham Borough Council Local Plan Core Strategy 2014 (CS) were relevant 'replacement' policies for those originally cited. I

concur and have attached significant weight to them. Concern was raised by the appellant in terms of the relevance of Policy CS19 (development and design principles) of the CS given that the condition makes little reference to Green Belt matters. The Council pointed out that Policy CS19 requires that, amongst other aims, 'new development will encourage sustainable living' and is relevant because the reason for refusal refers to the proposal being 'unsustainable'. In light of this and the main issues in this case, which follows on from the written submissions and the oral evidence at the Hearing, I consider this policy to be specifically relevant to the appeal scheme and have afforded it weight.

Main Issues

5. The main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and the Development Plan;
- Whether the proposed development would constitute sustainable development, and;
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

6. The National Planning Policy Framework (the Framework) sets out national policy on Green Belts, and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms the Green Belt policies of the Framework are reflected in Policy CS02 of the CS, which is broadly consistent with the aims of the Framework. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. The parties agree that the development does not fall within the exceptions listed in Paragraph 90. In consideration of those listed, I see no reason to disagree that the exceptions of Paragraph 90 are of limited relevance in this case.
7. In terms of Paragraph 89, the appellant considers that the proposal would be an exception under the provisions of the second to last bullet point, referring to 'limited infilling in villages'. In support they have cited an outline planning permission from 1971 (ref T/6/71/406) for three detached dwellings which included the appeal site. However, I am mindful that since 1971 there have been significant changes to both national and local planning policies; the most recent of which I am required to consider and include the adoption of the CS in 2014, which replaced the Gravesham Local Plan 1994, and the replacement of PPG2:Green Belts with the Framework. The appellant also points to the proximity of the development to the existing settlement boundary, which changed in the 1990s to include Ridgeway Bungalows and The See-Ho PH. The nature of the appeal site within the context of the street scene was also considered relevant, with features such as 30 mph signs and road name signs

pointed out to me at the site visit. I consider these factors in greater detail below.

8. With regard to the phrase 'limited infilling in villages', both the Council and the appellant consider that the proposal is limited insofar as it relates to one dwelling. Given this scale of development, I see no reason to disagree. In terms of infilling neither the CS nor the Framework provides a definition. I heard that both parties agreed that a definition could reasonably be 'development of a gap in an otherwise built up frontage' and this would appear a logical definition for infilling to use here. The Council have cited a number of appeal decisions¹, with those from 1975 and 1991 specifically relating to the appeal site. In the latter, the Inspector found that due to the width of the gap between existing developments either side of the appeal site, the proposal could not reasonably be defined as infill.
9. In this case, whilst there is the See-Ho public house to the west and Shornebury to the east, the appeal site provides a clear, significant and distinct gap between these parts of the built up frontage. Moreover, the appeal site itself is a large open area with close boarded fencing on its east, south and western boundaries. Along the frontage with The Ridgeway is a raised grassed bank with coniferous hedge, and a post and rail fence. Within the site itself, there is an absence of significant built form, with the site mainly consisting of a flat grassed area. Given the size of the gap, the proximity of neighbouring buildings and the open nature of the site, I do not consider that the proposal would result in development of a gap in an otherwise built up frontage. As a result, the proposal does not constitute infilling as defined by the parties and as found in earlier appeal decisions for the appeal site in 1975 and 1991.
10. In terms of the village, running along the western boundary of the appeal site is the boundary of the 'rural settlements inset from the Green Belt' (as defined in the CS proposals map). The See-Ho PH and its car park fall within the inset settlement, as do the Ridgeway Bungalows on the northern side of the highway called The Ridgeway. The supporting paragraphs of Policy CS02 indicate that *'these boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character or identity, or impact on the openness of the Green Belt'* (para. 4.2.6). During my site inspection, I saw that there is a clear visual break between the densely built-up area within the settlement boundary and the looser and more sporadic development within the Green Belt along Pear Tree Lane. This reinforces the distinction between the two areas, with that within the settlement boundary appearing as a relatively close-knit settlement, whereas the area of Green Belt (including the appeal site) beyond the settlement boundary is more sporadic in form, and therefore different in both character and appearance.
11. I note that concerns were raised as to the extent of the Green Belt, and where the boundary between this and the inset rural settlement is on the proposal map. At the site visit the parties pointed out the extent of the Green Belt and settlement boundary, which accord with the characteristics of each area I have identified above. Paragraph 83 of the Framework is clear in that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the local plan. That is not the case here, and it is

¹ T/APP/5277/A/75/11618/05, T/APP/K2230/A/91/180407/P8, APP/P3420/A/14/2227000 and APP/X1925/A/13/2205699

clear from the supporting paragraphs to Policy CS02, that the settlement boundary does not define the full extent of Shorne Ridgeway. Ostensibly its purpose is to define the coherent and established built up area of the inset settlements. I have been referred to case law² by both parties, which quashed an earlier appeal decision for the appeal scheme³. Put simply, the judgement found that the village boundary defined on the proposals map should not be determinative where the boundary does not accord with the Inspector's assessment of the extent of the village on the ground. However, the facts on the ground in this case, as considered above, are that the appeal site does not lie within the village; rather it lies within the Green Belt outside of the village; both in terms of the settlement boundary and in terms of immediate context within the street scene. In such circumstances, the appeal site does not lie within the confines of the village of Shorne Ridgeway for planning policy purposes. Accordingly, the proposal, whilst limited in scope being for one dwelling, would not represent limited infilling in a village.

12. In terms of openness of the Green Belt, I am mindful that the appeal scheme is in outline, and therefore information in terms of the precise layout, scale and appearance of the dwelling is limited. However, it is clear that the currently open nature of the site, which has a distinct absence of built form, would be lost through the erection of a detached two-storey house of about 275m² floor space with a ridge of approximately 8.775 metres, together with a single storey detached double garage of about 35m² with a ridge height of about 5.350m, as described in the Design and Access Statement. Accordingly, the proposal would result in the loss of the open nature of the site and therefore significantly erode openness of the Green Belt. I therefore conclude that the proposal would have an adverse impact on the openness of the Green Belt.
13. Accordingly, as it does not fall into one of the exceptions listed in Paragraph 89 of the Framework, the development proposed would be inappropriate development, as defined by the Framework. As such, the proposed development would be contrary to Policy CS02 of the CS and those of the Framework, which, amongst other aims cited previously, seek to maintain the national and local planning purposes of the Green Belt.

Whether sustainable development

14. Sustainable development is defined within the Framework as comprising three mutually dependent roles, as set out in Paragraphs 7 and 8. Put simply, to be 'sustainable development', a proposal must achieve a balance between the economic, social and environmental roles that the planning system seeks to achieve. I heard from the appellant that they considered the economic benefits to be the development of the site and the location to nearby services. In terms of the social benefit, this included the provision of one house to housing supply, which the Framework anticipates a significant boost and for which there is an acute shortage more generally in the South East of England. Lastly, in environmental terms, the appellant pointed to benefits they consider to arise in terms of the plot not having environmental value and there only being definitional harm to the Green Belt.
15. However, the Council's settlement hierarchy, set out in Table 2, part 4.2 of the CS, Shorne is a 'fourth tier settlement' with Shorne Ridgeway defined as an

² *Wood v SoS for CLG [2015] EWCA Civ 195*

³ Dated 8 May 2013

'other settlement'. The *Settlement Hierarchy Technical Paper 2009* (the Technical Paper) provides further information that led to the classification. In particular, it identifies that Shorne contains a number of facilities including a primary school, a village hall, a village store and place of worship, and is served by the infrequent 416 bus service to Gravesend. Shorne Ridgeway (the village closest to the appeal site) is identified as having no facilities apart from a public house and is only served by the infrequent 416/417 bus service to Gravesend. The Technical Paper also identifies Higham as a 'second tier settlement' which contains a number of services and a half hourly bus service (136) to Gravesend. I was able to see the level of services provided in these settlements and their proximity to the appeal site during my site inspection.

16. In particular, I saw that access to the services such as the local shop and village hall in Shorne and the post office and shops in Higham was via narrow, winding, hilly, unlit and pavement-less country lanes, with access across the busy crossroads with the A226 required for the latter. These are conditions which are likely to be less than conducive or impractical for parents with children, older people and the less mobile. Moreover, whilst I do not have the full schedule of the local bus services, it was indicated to me at the Hearing that these services are very limited, with no more than a handful of buses a day at best, which reflects the 'infrequent' nature suggested in the Technical Paper. Both are factors which would mean that there would be an over-reliance on private motor vehicles to access local services. The proposal would therefore fail to achieve the social role of the planning system in terms of the lack of accessible local services, and the environmental role by minimising waste and pollution.
17. Whilst I agree that there would be some benefits in terms of the provision of housing and the potential for local jobs during the construction phase, these would be limited in scale for the former and in duration for the latter. Furthermore, as identified earlier, due to limited accessibility, there would be difficulty for future occupiers in accessing local services to support the community's health, social and cultural well-being, which would be contrary to the social role of planning which seeks these aims. What is more, I have found that there would be significant harm to the Green Belt through inappropriateness. The proposal would therefore fail to fulfil the environmental role of sustainable development which includes contributing to protecting and enhancing our natural, built and historic environment.
18. I therefore conclude that by failing to achieve its three mutually dependant roles, the proposed development would not constitute sustainable development, as defined by the Framework. As such, the proposal would be contrary to Policies CS01, CS02 and CS19 of the CS, which, amongst other aims seek to encourage sustainable living, and the Policies of the Framework, which, amongst those cited, include improving conditions in which people live, work, travel and take leisure.

Other Considerations

19. There is some disagreement between the parties on the issue of housing land supply. The appellant considers that the Council cannot demonstrate a five year supply of housing sites, as detailed in their written submission. They also point to an appeal decision APP/K2230/A/11/2167121 for 7 Mermerus Gardens, Gravesend, which was dismissed, in which the Inspector found that 'the

evidence of the Council is that it is currently unable to demonstrate such a supply' in June 2012. To the contrary, the Council point to the fact that that appeal predates the adoption of the CS in 2014, responsibility for the delivery of some sites is now with the Ebbsfleet Development Corporation, and that a supply of deliverable housing sites can be demonstrated at the present time, as established in their written submission.

20. I have taken full account of the contents of paragraphs 14, 48 and 49 of the Framework. Nevertheless, in this instance I have found that the proposal would not constitute sustainable development and be harmful for other reasons. Therefore, even if there were not such a supply; and the evidence is conflicting in both respects, the contribution that the development would make to housing land supply would not outweigh the harm the scheme would cause. Furthermore, the Framework indicates that applications for housing developments should be considered in the context of the presumption in favour of sustainable development. In this case, the proposal would not constitute a 'sustainable development', would not accord with the development plan, and there is no justification for making an exception to the restrictive policies referred to above. It should, nonetheless, be noted that the proposal would contribute one dwelling to housing supply, but this is a benefit of the proposal which should be afforded only limited weight given its scale.

Conclusion

21. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt. Added to this is the other harm identified, which includes the inability to represent sustainable development, as sought by both development plan policies and the Framework. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these is the contribution to local housing supply. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
22. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness and the other harm I have identified. The very special circumstances needed to justify the proposal do not therefore arise, and the proposal conflicts with Policies CS01, CS02, and CS19 of the CS and those of the Framework, the aims of which I have aforesaid.
23. Accordingly, I conclude that the appeal should be dismissed.


INSPECTOR

APPEARANCES

FOR THE APPELLANT:

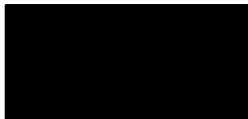


FOR THE LOCAL PLANNING AUTHORITY:

Richard Hart, BA, MA
Martin Goodman
Shazad Ghani, BA(Hons), MPhil, MA

Gravesham Borough Council
Gravesham Borough Council
Gravesham Borough Council

INTERESTED PERSONS:



Shorne Parish Council
Shorne Parish Council
Dickens Country Protection Society

Documents submitted at Hearing

From appellant, document entitled:

'Appeal Statement in respect of application GR/2012/0693 for outline permission for the erection of a detached single dwelling and garage on land adjacent to The See-Ho Public House, Pear Tree Lane, Shorne Ridgeway, Gravesend, Kent.'

Appeal Decision

Site visit made on 2 February 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/K2230/W/20/3258951

**Land adjacent to the See-Ho PH, Pear Tree Lane, Shorne Ridgeway,
Kent DA12 3JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Wood against the decision of Gravesham Borough Council.
 - The application Ref 20200339, dated 2 April 2020, was refused by notice dated 29 May 2020.
 - The development proposed is two dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all matters, save for access, reserved. I have considered the appeal on the same basis and assessed accompanying imagery as merely indicative insofar as it may refer to the reserved matters.
3. The new local plan is at a very early stage of development, and has not been publicly examined, which limits the weight I can accord its policies.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (the Framework);
 - ii) if it is inappropriate development, its effect on the openness of the Green Belt;
 - iii) its effect on the landscape character of the area, with particular regard to the Shorne Woodlands Landscape Area;
 - iv) whether it would provide a suitable site for housing, having regard to its proximity to services and facilities; and,
 - v) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
-

Reasons

Inappropriate development in the Green Belt

5. It is common ground that the appeal site lies outside the boundary line of the rural settlement of Shorne Ridgeway and in the Green Belt, as drawn on the Policies Map of the Gravesham Local Plan Core Strategy 2014 (CS).
6. CS policy CS02 supports development within rural settlements which are inset from the Green Belt. Outside those settlements, development will be supported where it is compatible with national policies for protecting the Green Belt and with the policies in the development plan. The government attaches great importance to Green Belts. The Framework indicates 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 indicates that new buildings in the Green Belt are inappropriate development unless they fall within a list of exceptions. One of these, limited infilling in villages, is the exception claimed by the appellant.
7. The Council accepts that, as far as paragraph 145 is concerned, the settlement of Shorne Ridgeway, as drawn on the Policies Map, may be regarded as a village. The appellant considers that such lines are blunt instruments to determine the confines of a settlement; what is on the ground being more relevant. In any event, the CS indicates, in paragraph 4.2.6, that settlement boundaries do not define the full extent of each settlement. Moreover, in the 2015 Court of Appeal judgement¹ concerning an appeal on this site, it was common ground that the boundary of a village defined in a local plan may not be determinative for this purpose.
8. I saw at my visit two, distinctly different patterns of development in this area. The first, characterised by more built-up sections of development, is concentrated around the lower section of Tanyard Hill, with spurs, in ribbon form, running from it east and west onto The Ridgeway and reaching into Pear Tree Lane. This pattern of development has a finely textured, ordered urban grain, the houses commonly standing relatively close to each other. There are strong, repeated rhythms in the siting and alignments of the houses, which tend to have been set parallel to road lines, share relatively compact forms, and display generally close spacing.
9. The second pattern of development has a markedly looser grain of development. The houses appear more scattered, and their positioning in relation to one another, more sporadic. The houses stand in generally larger plots, where the ratio of building footprint:plot area is far smaller. The front building lines of the houses are often set substantially back from the road. With little defining alignment among these houses, their siting twists and turns according to the topography of the land, to the trees and hedgerows in their landscape, or to the will of idiosyncrasy.
10. I appreciate that not every distinguishing feature I have highlighted above may be shared universally in each area. Housing here has developed incrementally over many years and has grown around the topographic, climatic, and economic constraints of its time. Nonetheless, my observations identify two areas with distinctly different patterns of development which are clear to see on the ground.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

11. The built-up section that reaches into Pear Tree Lane, after a field and stables, halts abruptly on the north side of the lane at the end of a row of bungalows. The landscape becomes more pastoral with small, non-residential, rural buildings and open fields leading to woods beyond, on the north side. On the south side of the lane, the built-up section ends at the See-Ho public house, its open car-park forming a substantial gap between the public house and the appeal site. To the east of the appeal site, on the south side, stands a large house in a large plot. This house is set further back into the plot than the back boundary of the appeal site, its spacious landscape character reflecting the wider-textured grain of the more rural pattern of development which continues sporadically, between sections of woodland, eastwards along the lane.
12. Taking into account these two distinctly different patterns of development which I saw on the ground, the appeal site, which contains only a limited amount of storage, falls squarely within the area characterised by loose-grained, sporadic, scattered development which lies outside the settlement. As the appeal site lies outside the settlement, the proposed development cannot therefore be considered as an exception to inappropriate development as described in paragraph 145(e) of the Framework.
13. Even if I had concluded that the site were within the settlement, which I do not, and even noting that the Council accepts the proposed form of development as being limited, the development could not be described as infilling. Neither the Framework nor the CS define 'infilling'. The appellant cites the Cambridge Dictionary definition of infill, as '*the development of new houses etc. on land between other buildings in already developed areas.*' The appeal site fronts directly onto Pear Tree Lane. The site to one side contains a wide, open car-park. The site to the other is occupied by a house that is set further back from the road than the back boundary of the appeal site. The houses proposed could not therefore stand between other buildings, but between an open car-park and the open space of a very large garden. The development would not reflect the Cambridge Dictionary definition.
14. The appellant also refers to another definition of infill, one that is often used in cases concerning limited infill in a village and referred to in the dismissed appeal² on this site in 2015. This is '*the development of a gap in an otherwise built-up frontage*'. Quite simply, there is no built-up frontage beside the appeal site between which the development could infill. For this reason too, the proposal would not meet the test in paragraph 145(e).
15. I acknowledge that the 2013 appeal decision³ on this site found that the built-up area appears to start some distance to the east of the appeal site, and that the development would not distort further the definition between village envelope and surrounding countryside. However, my finding on this matter accords with the most recent appeal decision⁴ on this site, in 2015, which followed the quashing of the 2013 decision.
16. I note the formal-looking, walled entry to the house to the east of the site, Fairwinds, for which a retrospective planning application⁵ was refused in 2013 for being out of keeping with the rural Green Belt characteristics and soft boundaries

² Appeal ref: APP/K2230/A/12/2186760

³ Appeal ref: APP/K2230/A/12/2186760

⁴ Appeal ref: APP/K2230/A/12/2186760

⁵ LPA ref: 20130368

along Pear Tree Lane. However, its design does not suggest the plot is in the settlement; equally grand and formal designs form the entrances to other houses along Pear Tree Lane, and they stand an even greater distance outside the settlement than Fairwinds. Moreover, front enclosures are not a landscape characteristic which distinguishes the patterns of development either inside or outside the settlement; each area borrows features from the other, with little consistency in application. Similarly, while the appeal site is within a 30mph speed limit, some sections of the lane a substantial distance beyond the settlement are included within it. The speed limit appeared to me to be more related to road width, visibility, junctions, and transport safety than to settlement boundaries.

17. The appellant has referred to numerous appeal decisions regarding limited infilling in villages. I have not been provided with the full details of these cases, only an aerial photo and the decision letter, in most instances. I cannot therefore be sure that there are direct parallels between their circumstances and the situation in this case. This is especially relevant where decisions may turn upon the on the ground assessment, and where any similarity in physical circumstances is important.
18. Nonetheless, the site in the appeal decision⁶ in Cheshire East lay between two residential dwellings and the size of the plots were commensurate with the dwellings either side, reflecting the established pattern of development. Rather than dwellings, an open car-park and a garden lie beside this site. While I have found the site in this case to lie close to the settlement, it is more visually related to the land beyond it than the land within it. In the Solihull appeal⁷ there was no disagreement that the site lay within the village. The overall street scene was described as a continuous form of built development along the lane. The site formed part of a gap in a frontage that the proposal would infill. This is incomparable to the site in this case.
19. The Inspector in the St. Alban's City decision⁸ identified the change in character as a very brief, and localised variation within the character of a single built-up area. He found the site to be a well-defined gap between 2 Radlett Road and Minster Court. The site in this case is not a momentary variation in a single built-up area. It stands squarely within a completely different pattern of development, and its filling conditions are quite different. The site in the decision⁹ in Chorley was part of a clearly identifiable frontage of buildings with a dwelling to one side and a barn to the other, unlike in this case where I have identified the distinguishing characteristics of the different patterns of development, and where the shift between them runs.
20. In the appeal in Three Rivers¹⁰, the Inspector described that site as being located within a ribbon of residential development, closer to the centre of the village than the outlying properties which were also within the settlement. He found it a gap between two houses and their outbuildings. In this case, the relative position of the site is quite different, and it lies between an open car-park and a garden. The conditions against which infilling is considered are quite different. In the appeal¹¹ in East Hertfordshire, for which the aerial photograph

⁶ Appeal ref: APP/R0660/W/16/3156493

⁷ Appeal ref: APP/Q4625/W/17/3168927

⁸ Appeal ref: APP/B1930/W/19/3225543

⁹ Appeal ref: APP/D2320/W/16/3154595

¹⁰ Appeal ref: APP/P1940/W/17/3187494

¹¹ Appeal ref: APP/J1915/W/19/3230243

is highlighted as being assumed, the site lay between a dwelling within a cluster of houses along the lane on one side, and to the other side a house in extensive grounds. Considering the proximity of these neighbouring dwellings, the Inspector found the site to be part of the built-up area. Given its location amongst a group of dwellings he considered the development to be infilling. These are quite different physical circumstances to the site in this case.

21. In the decision¹² in Staffordshire Moorlands, the Inspector found that proposal would form a continuation of development on the north side of the lane and read as part of the village whereas the site in this case reads as part of the land outside the settlement. That site appears to be enclosed on both sides by buildings which are part of the built-up area whereas in this case the site is bounded by a garden and an open car-park. There are no infilling parallels to draw.
22. The Cheshire East appeal¹³ describes the site forming part of the linear pattern of development extending from the main built-up area, whereas the site in this case falls within the pattern of development outside the settlement. That proposal would provide continuity to the built form along Frog Lane, whereas in this case there are no buildings beside the site whose built form could be continued. In the appeal¹⁴ in Dacorum, the Inspector agreed with the finding of the Inspector in the previous appeal that the gap lay in a developed area, representing an infill, referring to the group of dwellings to the west, between the site and the open countryside, and the setting more enclosed by existing residential development. These are quite different physical circumstances to the site in this appeal.
23. In the appeal¹⁵ in Cheshire West & Chester, the site there lay between the primary frontage of development lining the main road and development already set substantially back from it in three tiers, whereas the site in this case fronts directly to the main road. The Inspector found that the development of other properties along West View Road was relatively continuous and that the development would fill the appeal site and much of the undeveloped gap on that stretch of the road. Again, different physical circumstances to the appeal site.
24. On the evidence submitted, I can draw no direct parallels from these appeal decisions to the circumstances and conclusions in this case, which I have considered carefully on the ground, and which are peculiar to this particular site. Moreover, my conclusion on infilling accords with the decisions of the Inspectors in three appeals on this site, including the most recent.
25. I conclude on this issue that, in accordance with what I saw on the ground, the appeal site does not lie within the settlement of Shorne Ridgeway. The proposed development cannot therefore be considered an exception to the construction of new buildings to be regarded as inappropriate development as provided in paragraph 145(e) of the Framework, i.e. limited infilling in villages. Nor would the proposed development amount to infilling. It cannot therefore be considered the exception as described in paragraph 145(e). It would conflict with CS policy CS02 and should be regarded as inappropriate development, which is by

¹² Appeal ref: APP/B3438/W/18/3214689

¹³ Appeal ref: APP/R0660/W/18/3211980

¹⁴ Appeal ref: APP/A1910/W/18/3205498

¹⁵ Appeal ref: APP/A0665/W/20/3247387

definition, harmful to the Green Belt, and to which paragraph 144 of the Framework indicates that substantial weight should be given.

The openness of the Green Belt

26. The Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It describes the essential characteristics of Green Belts as their openness and their permanence. While there is no definition of 'openness' in the Framework, it is commonly understood as the absence of built or otherwise urbanising development.
27. I have taken into account that layout and scale are reserved matters. The appellant's constraints plan indicates that the development could incorporate space around each house, and that eaves and ridge heights could be relatively low. However, the appeal site contains only a short shipping container, a couple of small timber sheds, some water butts, and a few piles of building materials. The development of two dwellings would have a far greater impact than this, diminishing the openness significantly. The proposed development would therefore have a harmful effect on the openness of the Green Belt.
28. I appreciate that the tall, evergreen hedge partially screens the site from the lane. While it would obscure some views of the new houses, because of the bulk and height of the houses and their visibility through the access, it would not sufficiently mitigate their visual impact on the openness of the Green Belt. The reduction in openness from the development would be permanent, and it would compromise the objectives of the Framework in keeping Green Belt land permanently open.

The landscape character of the area

29. The Council refers to the Gravesham Landscape Character Assessment 2009 (LCA). It identifies the extent of coppice woodland in this area as contributing significantly towards local distinctiveness, the combination of undulating landform and tree cover bringing an enclosed character to the landscape. It describes the traditional village centres, including Shorne Ridgeway, as being distinct, and promoting a strong sense of place.
30. Given that the site is surrounded by plots containing buildings and it does not contain woodland, its development for housing, including the paraphernalia of residential occupation, would not undermine the contribution of woodland to the distinctiveness of the area as described by the LCA.
31. I have already described the two patterns of development in the area, the tighter-grained, more built-up sections within the settlement, and the looser-grained more rural character of development beyond it, and to which the appeal site belongs. I appreciate that layout and scale are reserved matters. Also, the appellant's plan indicating the developable area of each plot is only indicative. Nonetheless, given the size of the site, and even allowing for dwellings of very modest footprints, the development would in effect place development which is more typical of the tight-grained, built-up sections within the settlement of Shorne Ridgeway on a site clearly belonging to the looser-grained, more rural character of development beyond the settlement.
32. The effect of this misplacement would be to diminish the spacious character of the landscape outside the settlement, which includes development which generally shares far smaller footprint:plot area ratios than two dwellings on the

appeal site. I saw that the character of the landscape between this settlement and its neighbours is finely balanced between the generally very spacious areas of land occupied by houses, and the rural character of the countryside, epitomised here by the large tracts of coppiced woodland and the agricultural fields between them.

33. Spaciousness is a characteristic of the pattern of development which makes the landscape outside the settlement distinctive, and which distinguishes it from the character of development within the settlement. Because of its diminishing effect on the spacious character of the landscape, the proposed development would undermine that distinction, as noted in the LCA, and weaken the strong sense of place which it underpins.
34. I appreciate that the Framework promotes the development of under-utilised land in paragraph 118(d), but it also indicates in paragraph 127 that development should be sympathetic to local character, including the surrounding built environment and landscape setting, whose character this proposal would harm.
35. I conclude on this issue that the development would conflict with CS policies CS12 and CS19 which protect landscape character, and which require development to conserve and enhance the character of the local built and natural environment and to integrate well with the surrounding local area. It would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area. To this harm I attribute substantial weight.

Suitability of the site for housing

36. The Council considers that lying in the countryside, outside the boundary of any settlement, the site is an unsustainable location for housing. It refers to the Framework which indicates in paragraph 79 that decisions should avoid the development of isolated homes in the countryside. However, given the proximity of neighbouring houses to the appeal site, some of which are inside the settlement and some outside it, as well as the number of houses sited off or along Peartree Lane outside the settlement boundary, the location of the proposed dwellings cannot be described as isolated as set out in *Braintree District Council v SSCLG & Ors*¹⁶, which post-dates the 2015 appeal decision¹⁷ on this site.
37. CS policy CS01 indicates a settlement hierarchy in Gravesham based on the availability of services and facilities in the settlements. CS policy CS02 prioritises development in the urban area as a sustainable location for development. Shorne Ridgeway falls within the lowest tier, as an other settlement. Its services and facilities are limited and appear to be centred around the public house. However, there are 2 settlements close to the appeal site, Higham and Shorne, which are classified as second tier and fourth tier settlements, respectively. I saw that these provide a range of facilities and services including post office, convenience shops, public houses, churches, surgeries, pharmacy, greengrocer, take-aways, and hairdressers.
38. I appreciate that the distance to Higham may be more than many consider walkable. More significantly, the lanes leading to both these better serviced settlements are largely unlit, are hilly, relatively narrow and without footways.

¹⁶ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin)

¹⁷ Appeal Ref: APP/K2230/A/12/2186760

These factors would deter parents with children, older people, or those with disabilities from walking or cycling to these settlements, making future occupiers of the proposed development to be more likely to rely on the car.

39. However, both Higham and Shorne are served by buses that stop in Shorne Ridgeway, with the 416 and 417 continuing to Gravesend, which is connected to national rail, and by a new service 311 running since the last appeal which runs from Meopham to Lower Higham. While I suspect that the frequency of these services may be limited, neither party has provided me with timetables for them. There is no evidence to suggest that the bus services through Shorne Ridgeway do not provide a suitable alternative to private transport for future occupiers of the development to reach services and facilities.
40. Taking all these factors into account, and without any evidence to the contrary on public transport, I find that the site would provide a suitable site for housing, having regard to its proximity to services and facilities and the Framework's social and environmental objectives of sustainable development.
41. I find no conflict from the proposal with CS policies CS01 and CS02, nor with paragraph 103 of the Framework which seeks to actively manage patterns of growth in support of promoting sustainable transport, but which also recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. While the suitability of the site for housing and the accordance of the proposal in this regard with the development plan is acknowledged, this is a neutral factor that does not weigh in support of the proposal.

Other considerations

42. The appeal site lies within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site, an important place for rare, vulnerable, or migrating birds. The proximity of the appeal site means that it cannot be excluded that the development would not have a likely significant effect on the SPA, either alone, or in combination with other plans or projects. I note that the appellant has made a payment to the Council in respect of the strategic access, management, and monitoring of the SPA. However, neither he nor the Council has carried out an Appropriate Assessment, and there is insufficient information submitted for me to undertake one. Notwithstanding this, there is no need for me to consider the implications of this further, as I am dismissing the appeal for other reasons.
43. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. The development plan is also silent on the provision of self-build housing. Therefore, in accordance with paragraph 11 d) of the Framework, the tilted balance may come into play. However, land designated as Green Belt is an area of particular importance protected by policies in the Framework. In applying its policies concerning the Green Belt, I have found clear reason for refusing the development. Accordingly, the tilted balance does not apply, and the Framework is not a material consideration in this context to indicate a decision other than in accordance with the development plan.
44. Two dwellings would be a small boost to housing supply, representing a modest social benefit, particularly in the light of the housing needs survey. The Council's information on people wanting to self-build is dated, but it does demonstrate that there is demand here for rural, self-build, and custom house building, which

is completely unmet. The appellant is willing to be bound by an undertaking to secure the housing as self-build. The two self-build dwellings in this proposal would therefore be two more than the Council has permitted to date.

45. Though the number of dwellings proposed is modest, in an area where there are no self-build or custom dwellings, the development would help to achieve the government's objective to diversify the housing market and increase consumer choice. The Council accepts that it does not have a 5-year supply of deliverable housing sites, a shortfall which this proposal would help to reduce. Notwithstanding the reserved matters, were small bungalows developed, these would have accessibility advantages to all sections of society, a social benefit, their size also offering choice to those seeking smaller dwellings here. While all these social benefits of the housing are material considerations in favour of the proposal, because of the modest number of dwellings proposed, I attach only moderate weight to them.
46. Construction work would bring short-term services and manufacturing benefits to the wider economy. The future occupiers would be likely to use local services and facilities and thereby contribute to the local economy, bringing a long-term, economic benefit. While I recognize these economic benefits, because of the modest number of houses and the scale of the development, I attach only moderate weight to them, too.

Planning Balance

47. I have found that the proposed development would be inappropriate development in the Green Belt, reducing its openness and compromising the objectives of the Framework in keeping Green Belt land permanently open. While the site would provide a suitable site for housing having regard to its proximity to services and facilities, the development would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area.
48. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It requires that substantial weight be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
49. For the reasons given, the weight of all the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would conflict with CS policies CS01, CS02, CS12 and CS19 and the objectives of the Framework.

Conclusion

50. For the reasons given above, the appeal is dismissed.



INSPECTOR