



## Appeal Decision

Site visit made on 5 September 2023

**by Robert Naylor BSc (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 September 2023**

---

**Appeal Ref: APP/K2230/W/22/3311813**

**Land at Rosalie, Meadow Lane, Culverstone Gravesend, Kent, DA13 0UN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Dwinder Tamna of Scheuch Developments Ltd against the decision of Gravesham Borough Council.
  - The application Ref 20220828, dated 26 July 2022, was refused by notice dated 5 October 2022.
  - The development proposed is described as a "Proposed detached four bedroom house with integral garage".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Kent has been made after Gravesend rather than preceding as shown on the application form.

### Main Issues

3. The main issues are:
  - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and its effect on openness;
  - whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities;
  - effect on character and appearance, having regard to the Meopham Downs designated landscape character area; and
  - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether inappropriate development*

4. Policy CS02 of the Gravesham Local Plan Core Strategy (CS), adopted September 2014 refers to the scale and distribution of development. This states that in rural areas development outside of defined rural settlements will be supported where it is compatible with national policies for protecting the

- Green Belt and other policies. It provides no detailed local guidance on the Green Belt other than that development should adhere to national policies.
5. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. These exceptions include criterion e) limited infilling in villages and criterion g) limited infilling or the partial or complete redevelopment of previously developed land providing it would not have a greater impact on the openness of the Green Belt than the existing development.
  6. The appellant contends that the proposal would infill an area of land within an existing village envelope, however from the details before me the appeal site is not located within either of the nearby settlement boundaries of Culverstone Green or Vigo. Nevertheless, relevant case law<sup>1</sup> dictates that the village boundary defined on a 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.
  7. The proposal is located in a semi-rural location, accessed via narrow lanes as one approaches from the more densely populated area of Culverstone Green to the north. Whilst Meadow Lane contains several residential dwellings, the overall feel is one of a peripheral location, outside of any village setting given the more limited and sporadic layout of development. In this regard, the site is more appropriately viewed as providing a link to the distinctly more open and verdant area referred to as Culverstone Valley.
  8. Furthermore, there is a lack of communal facilities and services for the existing residents in the immediate vicinity, however the appellant highlights that the appeal site is located within a 15-minute walk to the shops and services situated within the neighbouring village of Vigo. It is acknowledged that there are also limited facilities in Culverstone Green, however the proposals' location between both of these villages further highlights its location outside the more tightly knit development pattern of these settlements. Thus, the appeal site could not be reasonably described as representing a village setting.
  9. The appellant draws my attention to two previous appeal decisions, an allowed decision at Wrotham Road<sup>2</sup> and the previously refused decision at the appeal site itself<sup>3</sup>. The appellant considers that the Wrotham Road appeal is located further away from village facilities and amenities than that of the appeal site. I acknowledge this is the case when compared to the Vigo village facilities, however in allowing the Wrotham Road appeal the Inspector considered the site formed part of the Culverstone Green settlement rather than Vigo, opining that *"there is a clear connection between the appeal site and the defined edge of Culverstone Green."* As reasoned above, I find the appeal site is linked more with Culverstone Valley than either Culverstone Green or Vigo and as such, do not consider it would represent a village setting. As such my decision is not inconsistent with the findings of the Inspector in the Wrotham Road appeal.
  10. Furthermore, I would concur with the previous Inspectors' decision at the appeal site, that whilst the proposal would constitute limited infilling, it would

---

<sup>1</sup> Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

<sup>2</sup> PINS Ref: APP/K2230/W/17/3175024

<sup>3</sup> PINS Ref: APP/K2230/W/21/3273757

not be within a village setting and consequently, the proposal would not meet the exception set out in paragraph 149 e) of the Framework.

11. Paragraph 149 g) of the Framework provides an exception for limited infilling or the partial or complete redevelopment of previously developed land (PDL). The Framework defines PDL, as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The appellant draws my attention to the remains of a former chalet in the rubble at the site, which could constitute PDL.
12. From my site observations, it was difficult to ascertain whether there are any remains of a chalet at the site, as the area has become self-seeded and overgrown. Furthermore, I have been presented with no substantive details in respect to the planning history of the site. However, even if I was to consider that the site was PDL, the proposal would need to be considered against the second limb of paragraph 149 g) which requires any redevelopment of such land to not have a greater impact on openness than the existing development.
13. The appeal site occupies a fairly prominent position, visible from public vantage points along Meadow Lane and given its relatively open and verdant characteristics, it makes a significant contribution to the openness of the Green Belt.
14. Openness can have both spatial and visual aspects and the proposal would introduce an increased quantum of residential development on to a site which appears generally open and free from any significant permanent development. Therefore, the introduction of the built form as proposed, would have a significant adverse impact on the openness of the Green Belt in spatial terms.
15. With regard to the visual aspect, as stated above the appeal site is fairly prominent, adjoining existing residential dwellings, which contrast with the much less developed open spaces to the north and south of the site. Given it would be located amongst the existing dwellings, the effect on the visual aspect of openness of the Green Belt would be limited, but there would be harm nonetheless.
16. Overall, I have found that there would be harm to both the spatial and the visual dimensions of the openness of the Green Belt. Bringing these strands together, I find that the proposal does not meet the exceptions in paragraph 149 e) or paragraph 149 g) of the Framework. The proposal is therefore inappropriate development in the Green Belt.

#### *Location of development*

17. CS Policies CO1 and CO2 collectively seek to provide sustainable development that will improve the existing housing stock. New housing development will be distributed throughout the Borough with the majority directed to the Northfleet Opportunity Area, urban areas and rural settlements inset from the Green Belt. Development outside settlements which maintain and diversify the rural economy will be supported where they are compatible with national and local policy.
18. The appellant contends that the proposed development would be located in a sustainable location amongst other existing dwellings and thus would not result in a new isolated home in the countryside, which paragraph 80 of the Framework seeks to avoid. I have taken account that there are other dwellings

in the vicinity of the appeal site and therefore given its grouping within these sporadic dwellings, the site would not be isolated in the context of paragraph 80 of the Framework.

19. The Framework further advises, at paragraph 79 that housing development in rural areas should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also seeks to promote alternative forms of transport other than the private car.
20. The proposal would result in a new dwelling in the countryside, as the site is situated outside of the closest recognised settlement boundaries of Culverstone Green and Vigo. These settlements provide limited services and facilities. In order to visit either settlement on foot or by bicycle, would require future occupiers to travel along narrow roads, many of which do not have a pavement, and are predominantly unlit, until they reach the settlements of Culverstone Green or Vigo. The lack of footpaths or streetlighting would make it less attractive for people to walk or cycle, especially for young children going to school.
21. I have limited substantive evidence before me as to whether or not the site is well served by public transport, although I did note there is a bus stop located approximately 800m from the appeal site on Wrotham Road (A227). However, whilst this would be an available alternative to the private car, I have not been provided with any details of the frequency or routes of the bus services. This leads to uncertainty that it would be a realistic substitute to the convenience of a private car. Therefore, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford significant weight.
22. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it would not accord with the sustainability objectives of CS Policies CO1 and CO2 which, amongst other things, seek to promote sustainable development and direct development to towns and villages. As such, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by paragraph 79 of the Framework, nor would it be the sustainable development that it seeks to promote in rural areas.

#### *Character and appearance*

23. The appeal site is located within the Meopham Downs Landscape Character Area (MDLCA). The Gravesham Borough Council Landscape Character Assessment, adopted May 2009 highlights that the MDLCA is a large area with the dominant land use as agricultural, however it also contains denser settlements (including Culverstone Green) and other traditional clusters of developments which provide an attractive setting.
24. The appeal site would be located amongst the existing sporadic development, which consists of mainly detached two-storey dwellings located on irregular shaped plots. The proposed design, scale and spacing would reflect that of the other properties in the vicinity and would occupy a position tucked in amongst these established scattered residential units. Given that the proposal is viewed

in the context of these residential properties, there would be no harm to the visual qualities and essential characteristics of the MDLCA in terms of its landscape and scenic beauty, notwithstanding my findings in terms of openness in the Green Belt.

25. Overall, any adverse effects of the development would be seen within the context of the existing residential units that the appeal site forms part. As such, the proposal would at the very least conserve the landscape character and valued landscape in accordance with CS Policy CS12 and Section 15 of the Framework which seek to protect and enhance valued landscapes. The proposal would also accord with CS Policy CS19 and paragraph 130 of the Framework, which amongst other things, seek new development to be visually attractive and requires development to be sympathetic to local character.

### **Planning balance**

26. The Housing Delivery Test (HDT) provides a figure of 57% for the Gravesham Borough Council based on the 2021 HDT results. As such, the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
27. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework, that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed. Footnote 7 sets out that these policies include those relating to land designated as Green Belt.
28. Given my findings in relation to the Green Belt there is a clear reason for refusing the development proposed, and I am not required to apply the tilted balance in this respect, albeit that the delivery of housing when there is evidence of under delivery is a benefit to which I have given moderate weight.
29. The proposal would also result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. The proposal also benefits from a sufficiently sized unit. To these benefits I apportion modest weight given the limited scale and nature of the proposed development. However, these benefits would not outweigh the harm that I have identified above, including the negative environmental and social effects arising from the unsuitable location in terms of the lack of accessibility to local services and facilities.

### **Conclusion**

30. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

31. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
32. As explained above I give moderate and modest weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
33. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with CS Policy CS02 and the Framework.
34. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Robert Naylor*

INSPECTOR