



Appeal Decision

Site visit made on 12 September 2023

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2023

Appeal Ref: APP/K2230/W/22/3302937

Barn on land to the rear of Henley Croft & Henley Cottage, Henley Street, Luddesdown, Kent DA13 0XB

- 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 Rebecca Newnes against the decision of Gravesham Borough Council.
 - The application Ref 20211538, dated 13 December 2021, was refused by notice dated 21 April 2022.
 - The development proposed is the change of use of a building from agricultural to residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a building from agricultural to residential use at barn on land to the rear of Henley Croft and Henley Cottage, Luddesdown DA13 0XB in accordance with the terms of the application, Ref 20211538, dated 13 December 2021, and the plans submitted with it, subject to the schedule of attached conditions.

Preliminary Matters

2. The site and an adjacent field with stables, were subject to an appeal¹ for the conversion of a barn to a dwelling in 2005. The Inspector found that use of the site for residential purposes would result in increased activity and the introduction of features associated with domestic use. It was found that the proposal would be inappropriate development in the Green Belt, harm its openness, harm the landscape character and the Area of Outstanding Natural Beauty (AONB). I understand that this site was substantially larger than the appeal site and the decision is now quite dated and made in a different policy context. I have therefore afforded limited weight to this decision, but paid regard to it where relevant to this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposed dwelling on the living conditions of future occupiers, particularly with respect to the size of the dwelling and available external space; and
 - the effect of the proposal on the character and appearance of the area.

¹ Planning Appeal Reference: APP/K2230/A/04/1164166

Reasons

Inappropriate development

4. The development plan for the district includes the Gravesham Local Plan Core Strategy [2014] (CS). The site is within the Metropolitan Green Belt and outside any rural settlement that is inset from the Green Belt. CS Policy CS02, part 4.2.27 states that development outside inset settlements...will be supported where it is compatible with national policies for protecting the Green Belt and policies in the Plan. The National Planning Policy Framework (the Framework) explains that the Government attaches great importance to the Green Belt and that substantial weight is to be afforded to any harm. Paragraphs 149 and 150 establish that new development would be inappropriate development unless it meets a listed exception.
5. Paragraph 150 states that certain forms of development would not be inappropriate development in the Green Belt, provided that it would preserve its openness, and would not conflict with the purpose of including land within it. Paragraph 150 (a) to (f) lists development that would be not inappropriate on those terms. Paragraph 150(d) supports the re-use of buildings provided that they are of permanent and of substantial construction.
6. The appeal site comprises a small area of land that accommodates a single-storey storage building. The building is brick, with a tiled roof and appears to have been adapted in the past to be capable of storing various household items in a weatherproof environment. The building includes a ground floor room with a steep staircase, at one end, providing access to a mezzanine floor within the roof space. From my visual inspection of the building, the structure appears to be robust and is of permanent and substantial construction.
7. In terms of openness, paragraph 137 of the Framework, identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions.
8. The building is adjacent to the country lane of Henley Street. It is set behind a front boundary that consists of a railing and low hedge and is adjacent to a field access track. As such, the building is clearly evident within views of the street. To the rear of the building, adjacent land rises steeply, resulting in a retaining wall and dense tree and hedge planting that obscures most rear views of the building.
9. The application site is tightly drawn around the building and parking space and therefore is substantially different to the site of the previous appeal scheme. Consequently, the appeal site would have limited associated external space for the type of domestic paraphernalia that is often associated with dwellings. Although hardstanding would be required to create a parking space, this would make only a negligible visual impact on the appearance of the site. As such, visually and spatially the harm to the openness of the Green Belt would be limited, having a negligible effect on the Green Belt and preserving its openness.
10. Consequently, the proposal would meet the exception of paragraph 150(d) of the Framework, and CS policy CS12 and would not amount to inappropriate development in the Green Belt.

Living conditions – future occupiers

11. The proposed dwelling would have a living room and kitchen at ground floor with a bedroom and shower room on the mezzanine floor. The bedroom, being within the roof space, would have some restricted headspace at its sides, but most of the room would provide an internal height that exceeds 1.5 metres.
12. CS policy CS19 requires the design and layout of new development, including conversions, to accord with the Residential Design Guidelines [1996 - amended 2020](RDG). The RDG, demonstrates that the Council has formally adopted the Nationally Described Space Standards [2015](NDSS) that is to be applied in the operation of CS policy CS19.
13. The proposed dwelling would have an internal area of around 53sqm. The NDSS requires a 2 person, two storey dwelling to have a minimum gross internal floorspace of 58sqm. It also requires a 1 person one storey dwelling to be a minimum of 39sqm. However, there is no standard for a 1 person two-storey dwelling as is proposed. As such, the assessment of internal space is a matter of planning judgement. As a starting point it is recognised that the proposal would meet the numerical floor space requirements NDSS for a one-person dwelling if it were a single storey dwelling. As the proposal would be over two floors, internal space would be reduced due to the inclusion of a staircase. However, the internal area would substantially exceed the 39sqm requirement for single occupation and thus would create a spacious and comfortable living environment for a single person.
14. The Council's RDG require a 1-2 bed dwelling to have access to a garden of at least 37.2sqm and a minimum depth from the rear wall of the proposal of 7.6 metres. The proposal does not include a garden within the appeal site. It has only a narrow accessway to its rear and far side, a landscaped frontage and a parking area to its opposite side. As a result, the proposed dwelling would not achieve the size requirements of the RDG for garden sizes. Nonetheless, the RDG states that the requirements could be modified, in exceptional circumstances, with a scheme being considered on its own merits. The proposal would enable the reuse of an underused building and stands within a constrained site. As such, the failure to satisfy this requirement would result in only modest conflict with CS policy CS19 when taken in consideration of the site's context.
15. The Appellant identifies that future occupiers would have access to the Appellant's field, located at the top of the access track adjacent to the appeal site. However, this is not within the application site boundary and is substantially divorced from the appeal site offering limited benefits to future occupiers.
16. Consequently, the proposed dwelling would have adequate internal space but would not provide a quantity of external space that would satisfy the RDG. Accordingly, the proposal would conflict with CS policy CS19, the RDG and paragraph 130(f) of the Framework. These seek, *inter alia*, for development to safeguard the amenity of its occupants and create a high standard of amenity for future users.

Character and appearance

17. The appeal site consists of a decorative brick outbuilding with a pitched tiled roof. It is a simple single-storey building of traditional rural form. As such, the building makes a positive contribution to the character and appearance of the area.
18. The site is within an AONB and the Luddesdown Downs Landscape Character Area, as defined by the Gravesham Landscape Character Assessment [2009](GLCA). The Framework requires great weight to be applied to any harm found to the AONB. Section 9 of the GLCA defines the Luddesdown Downs character area as having undulating topography with arable and pasture farmland. The character area includes properties and farmsteads, along lanes and within small settlements, that contribute to the areas rural character. These characteristics comply with the appearance of the appeal site.
19. It is undisputed between main parties that the proposed conversion would visually improve the building. Its conversion would result in the introduction of new activity and features including the provision of a parking space. Nonetheless, due to the site's size constraints, the proposal would include few new domestic features. These would consist of new boundary treatments and hardstanding with limited further areas that could be capable of accommodating any residential paraphernalia. The proposal therefore differs significantly from the scale and context of the previous appeal scheme. Furthermore, the site is too small to be able to accommodate the addition of curtilage buildings, landscape gardens or clothes drying area. As a result, the proposed changes would be minimal, and these would not, in combination, detract from the visual quality of the area. As such, the proposed conversion would enhance the appearance of the building and its site within its rural setting.
20. Consequently, the proposal would complement the character and appearance of the area and preserve the scenic beauty of the countryside. As a result, the proposal would comply with CS policy CS12 and policies SD1, SD2 and SD3 of the Kent Downs Management AONB Management Plan [2021-2026]. These seek, among other matters, for development to converse, restore and enhance the areas landscape character.

Other Matters

21. The Framework seeks to boost the supply of housing. One additional dwelling would make a only a small contribution to the supply of housing in the district. Nonetheless, it would deliver economic benefits to the area both during refurbishment and from the spending from future occupiers. These benefits garner weight in favour of the proposal.
22. The Council states that the appeal site is 1.6 miles from a train station and 1.2 miles from the main village of Cobham. It is not within a settlement but is adjacent to other housing and a public house. As such, the proposal would not be in an isolated location but would be remote from main services and users would be reliant on the private car to access goods and services. However, its poor access is a typical characteristic of a site in a rural location. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into

account in decision-making. Therefore, this would result in only moderate conflict with the Framework.

23. Comments from interested parties raise issues with respect to character and the size of the building that I have addressed above. Concerns have also been raised that any approval may lead to additional land being acquired to form a domestic garden. However, such a proposal would require planning permission that the Council would consider on its merits and is therefore not a matter for consideration within this appeal.
24. I have also noted the concerns of interested parties that the submitted drawings appeared to be simplistic and incomplete. However, I am satisfied following my visit that included an internal inspection, that the plans were sufficiently accurate for this change of use application. Furthermore, the 1:1250 site plan adequately indicates the extent of the appeal site area.
25. The proposed development would have one parking space. It would use the existing access onto the lane which provides clear views in both directions, achieving an acceptable visibility splay for motorists leaving the site. Accordingly, I am satisfied that the proposed access could be used safely without causing harm to safety of users of the roadway.

Conditions

26. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
27. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are necessary with respect to the provision of planting, hardstanding, and external lighting in the interests of the character and appearance of the area [3, 4 and 8]. It is also necessary for the access, pedestrian visibility splays and parking provision to be laid out in the interests of highway safety [5 and 6]. A condition is also necessary to require details of refuse management to ensure the development would function well [7].
28. The proposed scheme seeks to replace the doors and windows but otherwise proposes limited external change. As such a condition with respect to the details of external facing materials would be unnecessary. Furthermore, due to the location of the parking area and its proximity to the highway, a condition would not be required seeking gates to be set back 5.5 metres into the site. Also, whilst the Council has suggested a condition for a watching brief, for contamination investigation, the proposal would be unlikely to create invasive ground works and as such this condition would be unnecessary.

Planning Balance and Conclusion

29. The Council cannot currently demonstrate it has a 5-year housing land supply with a supply of around 3.27 years. Accordingly in line with paragraph 11(d) of the Framework, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The tilted balance is therefore engaged.

30. The adverse impacts of the proposal are the limited provision of external garden space and the sites failure to promote the use of sustainable modes of transport. The proposal would not accord with the development plan. However, the harm to the living conditions of future residents and the locational disbenefits of the proposal would nevertheless be modest given the small size of the development.
31. Set against this the general housing supply position is seriously deficient. One home would not greatly improve the total supply, but in circumstances such as this where the housing supply position is grave, any additional provision would be valuable in meeting the Government's objectives. Furthermore, the scheme has been found to be not inappropriate development in the Green Belt, to cause no adverse effect on the surrounding openness of the Green Belt and no harm to the character and appearance of the area. These are considerations of considerable weight in favour of the scheme.
32. Paragraph 9 of the Framework explains the three objectives of sustainable development are not criteria against which every decision should be judged. Rather, where paragraph 11(d) is engaged, the starting point is that permission should be granted. The overall adverse impacts would be modest and qualified to some extent by the small scale and context of the proposal. The objections identified need to surmount a high hurdle in order to prevail in this balance. Indeed, they do not significantly and demonstrably outweigh the benefits of an additional home when assessed against the policies in the framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.
33. Accordingly, for the reasons given, the appeal is allowed and planning permission is granted subject to the attached conditions.

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INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan, 1:500 Block Plan, Parking Plan, and Proposed Floor Plan and Elevations.

- 3) Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of the residential unit whichever is sooner. The scheme shall include: proposed boundary treatments, hard surface finishes to the vehicle parking areas, pedestrian accesses, private gardens and amenity areas; details of any railings, walls, fencing, gates or other supporting structures and details of the pedestrian and vehicular access.
- 4) Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following first occupation of the dwelling. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.
- 5) Prior to the first occupation of the development hereby approved the vehicle parking areas shown on the Proposed Parking Plan must be formed, surfaced and drained, with the use of bound surface and provision of measures to prevent the discharge of surface water onto the highway. Thereafter, notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the vehicle parking space.
- 6) The development hereby approved shall not be brought into use until 2.0 metres x 2.0 metres pedestrian visibility splays have been fully provided with no obstructions over 0.6m above footway level. The splays shall be maintained at all times thereafter.
- 7) Prior to the first occupation of the development hereby approved, details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse arrangements shall be provided prior to first occupation of the dwelling and thereafter be retained for such purposes at all times.
- 8) Prior to the first occupation of the development hereby approved, details of all proposed external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

End of conditions