
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.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Turney
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Peter Court, BA, BA(Hons), DipTP, MRTPI
Julian Wood
Kim Wood

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Appellant
Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Richard Hart, BA, MA
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Gravesham Borough Council
Gravesham Borough Council
Gravesham Borough Council

INTERESTED PERSONS:

Robin Theobald
Susan Lindley
Chris Fribbins

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.'