

Appeal Decision

Site visit made on 23 June 2015

by Paul Freer BA (Hons) LLM MRTPI

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

Decision date: 16 July 2015

Appeal Ref: APP/K2230/W/15/3003758

Land south of Asvins, Ridge Lane, Meopham, Gravesend DA13 0TT

- 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 A Johal against the decision of Gravesham Borough Council.
 - The application Ref 20140832, dated 27 August 2014, was refused by notice dated 27 October 2014.
 - The development proposed is the erection of a 4-bedroom house and excavation works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the application form refers to the excavation works as being retrospective and I noted on my site visit that excavation works have been carried out. However, the term retrospective is not development as defined under the above Act and I have therefore omitted that word from the description of development above.
3. The excavation works that have taken place are, it appears to me, intended to facilitate the construction of the proposed 4-bedroom house rather than being an engineering operation in its own right. I have therefore determined the appeal on that basis.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework
 - the effect of the proposed development on the character and appearance of the Culverstone Valley Area
 - whether, having regard to the principles of sustainable development, the proposal would provide a suitable site for housing and
 - if the development is inappropriate, 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

Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework

5. Paragraph 89 of the National Planning Policy Framework (Framework) indicates that, with some exceptions, the construction of new buildings is inappropriate in the Green Belt. The appellant concedes that the erection of a dwelling is not one of those exceptions, but contends that the proposal constitutes the limited infilling of a village and qualifies as an exception on that basis.
6. Policy CS02 of the Gravesham Local Plan Core Strategy (Core Strategy) directs proposals for infilling within the Green Belt to a number of identified settlements. The appeal site is outside of the boundary of the village of Culverstone Green, as defined on the Proposals Map for the Core Strategy. It follows that the appeal proposal is not within a village and therefore does not constitute limited infilling in a village. As such, the proposed development does not qualify as an exception to the principle set out in paragraph 89 of the Framework that the construction of new buildings is inappropriate in the Green Belt.
7. I therefore conclude that the proposed development would be inappropriate development in the Green Belt in the context of Paragraph 89 of the Framework. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

8. The appeal site lies within the Culverstone Valley Area (CVA) and the Harvel Wooded Downs landscape area. This part of the CVA is characterised by low density 'plotland' residential development set within a steep topography covered in places by substantial areas of woodland. I noted that, in longer views from the appeal site itself, few buildings are visible but where dwellings are visible these generally appear as isolated structures, the presence of which in the landscape is betrayed solely by the roof form appearing amidst the canopy of trees. As result, and notwithstanding the presence of a dwelling on the adjoining plot ('Asvins'), the area surrounding the appeal site displays a generally open and sylvan quality.
9. I accept that the proposed dwelling would be of a comparable scale and plot ratio to some other properties in the CVA and, from some locations outside the site, would be largely screened from view by the surrounding woodland. Neither do I consider that the proposed development would blur the boundary between the village of Culverstone Green and the CVA. Nonetheless, the proposed new dwelling would result in an increase in built form in this locality and a consolidation of built form along Ridge Lane. For those reasons, the proposed dwelling would detract from the open and sylvan quality of the CVA.
10. I conclude that the proposed development would unacceptably detract from the character and appearance of the Culverstone Valley Area. I therefore conclude that the proposed development would be contrary to Policy CS12 of the Core Strategy. This policy provides, amongst other things, that the overall landscape character and valued landscapes will be conserved, restored and enhanced.

Whether, having regard to the principles of sustainable development, the proposal would provide a suitable site for housing

11. The nearest facilities to the appeal site are located in the village of Culverstone Green, and include a shop, post office and petrol station. There is also a primary school and a bus stop. A limited number of facilities, including a small convenience store and a community centre, are also available in the village of Vigo, approximately 1 kilometre from the appeal site. A wider range of facilities is available in Meopham, some 3.5 kilometres away, including shops, a secondary school, a day nursery, a library and doctors/dentist surgeries. The nearest railway station is at Hook Green, just beyond Meopham when travelling from the appeal site.
12. The limited range of facilities in Culverstone Green and Vigo are beyond comfortable walking distance. Moreover, the pedestrian route to these facilities involves negotiating narrow and unlit lanes that, whilst hard surfaced, do not have a dedicated pedestrian pavement. The route also involves significant gradients that, whilst not presenting a problem for some people, would present a significant obstacle for those with reduced mobility, including the elderly and those with young children. Pedestrian access to the facilities in Culverstone Green and Vigo would therefore be an unattractive and potentially hazardous prospect, particularly at night, and would be wholly impractical in adverse weather conditions. In relation to the wider range of services in Meopham and the railway station at Hook Green, these difficulties would be compounded by the greater distance involved. It is therefore likely that all these services would be primarily accessed by car, such that the occupiers of the proposed dwelling would be reliant upon the private car for their day-to-day activities.
13. I conclude that the proposed development would not provide a suitable site for housing, having regard to the principles of sustainable development. I therefore conclude that the proposed development would be contrary to Policy CS01 of the Core Strategy which provides, amongst other things, that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. In this respect, the proposed development would be contrary to the objectives of paragraph 17 of the Framework in terms of actively managing patterns of growth to make the fullest use of public transport, walking and cycling.

Other considerations

14. The appellant refers to a number of planning permissions that have been granted for detached dwellings within the CVA which, it is contended, serve as precedents for the appeal proposal. All of these sites are located on Rhododendron Avenue, just to the west of the appeal site, and I was able to view these sites as part of my site inspection.
15. The Council explains that all of these permissions were granted at a time when Policy C14 of the Gravesham Local Plan (Local Plan) was still extant as a 'saved' policy. That policy related specifically to the CVA and, in recognition of the particular 'plotland' character of that area, provided that proposals for the replacement of existing authorised chalets would be considered on their individual merits and subject to specific criteria set out in that policy. That policy also indicated that new weekend and holiday chalets would not be permitted.

16. In reporting on the (then) emerging Core Strategy, the Inspector recommended that Policy C14 of the Local Plan should be deleted so that proposals for development within the Green Belt are subject to the same policies across the Borough. In accordance with the Inspector's recommendation, Policy C14 of the Local Plan has now been deleted and it follows that the development plan policy against which the permissions referred to by the appellant were granted is no longer extant. I have therefore determined this appeal against the current development plan and the Framework, in relation to which I have found the appeal proposal does not comply. In these circumstances, the planning permissions granted under the previous policy regime do not serve as a precedent for the development now proposed.
17. The occupier of the adjoining property has expressed concerns in terms of the overlooking of their property and a resultant loss of privacy. However, the windows in the proposed new house would face to the front and rear, with no windows at first floor level in the side elevations. Any overlooking of the adjoining property would therefore be at an acute angle and incidental. Consequently, I am satisfied that the proposed development would not result in an unacceptable loss of privacy to the occupiers of the adjoining property.

Conclusion

18. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development. I also attach significant weight to the harm to the character and appearance of the CVA and to the fact that the proposed development would not provide a suitable site for housing having regard to the principles of sustainable development. Against this, I attach only limited weight to the planning permissions for dwellings in the CVA referred to by the appellant.
19. Consequently, the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist.
20. Accordingly, I conclude that this appeal should be dismissed.

Paul Freer

INSPECTOR