

Dartford Local Plan Gypsy/ Traveller Sites:

Green Belt Exceptional Circumstances

1. Introduction

- 1.1 This document is produced by Dartford Borough Council in January 2023 noting Green Belt exceptional circumstances. It follows the Dartford Local Plan Examination in Public Hearing on 9th November 2022.
- 1.2 The note firstly outlines relevant national policy and legal context, and then summarises evidence on the nature of Gypsy/ Traveller accommodation needs in Dartford and efforts to meet needs. Finally, in section 4, the case for exceptional circumstances to release Green Belt land to help meet Gypsy/ Traveller accommodation needs is explained. A Green Belt assessment of the proposed sites by Land Use Consultants forms Appendix 1.
- 1.3 This note is accompanied by two documents. These provide Duty to Cooperate information, and (by Land Use Consultants), on site Sustainability Appraisal.

2. National Policy and Legislation

- 2.1 Paragraph 136 of the National Planning Policy Framework 2021 (NPPF) states that, once established, Green Belt boundaries should only be altered where 'exceptional circumstances' are fully evidenced and justified, through the preparation or updating of plans.
- 2.2 Paragraph 137 of the NPPF requires that, before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, it is necessary for the Council to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development, including making as much use as possible of suitable brownfield sites and under-utilised land, optimising density of development, and informed by discussions with neighbouring authorities. Work on brownfield sites/ potential under-utilised land outside the Green Belt, and on optimising the capacity of gypsy traveller sites (development density), was set out previously at:
 - [GAT-2](#) report on meeting the needs: pages 13 to 15 (paragraphs 4.9 to 4.16).
 - [WS2-1](#) statement for Stage 2 hearings: page 22 and 35 to 57 (paragraph 85 and Appendices 2 to 4).
- 2.3 Neither the NPPF nor the Planning Practice Guidance (PPG) provide a formal definition and/ or set of criteria as to what circumstances could be considered as exceptional. As a result of other local planning authorities proposing to alter

Green Belt boundaries through the preparation of their Local Plans, case law has identified a number of points that can be used as guidance.

2.4 In the case of *Calverton Parish Council v Greater Nottingham Councils* 2015 High Court Judgment, where the objectively assessed housing need has already been determined, the following considerations were held to be relevant:

- The acuteness/ intensity of the housing need;
- The inherent constraints on supply/ availability of land suitable for delivering sustainable development;
- The consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- The nature and extent of the harm to the Green Belt which would be lost if the boundaries were reviewed; and
- The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

2.5 These points are addressed in context of Dartford's Gypsy/ Traveller accommodation below at section 4 and Appendix 1. The issue of reasonable alternatives is noted in paragraph 4.9.

2.6 It is for the Council to determine whether it considers exceptional circumstances exist to justify amending Green Belt boundaries through the preparation of its new Local Plan taking account of the level of harm to the Green Belt that is likely to arise from the proposed release(s).

2.7 Within the context of the exceptional circumstances, NPPF paragraph 11 does not make meeting identified needs for development a requirement; rather, it advises that the '*protection of assets of particular importance*', including Green Belt, SSSIs, and areas at risk of flooding, may provide '*a strong reason for restricting the overall scale, type or distribution of development in the plan area*'.

3. Local Characteristics of Dartford's Gypsy/ Traveller Needs

3.1 The Dartford Gypsy and Traveller Accommodation Assessment Final Report October 2019 ([GAT-1](#)) states, at page 7, Paragraph 1.13 (emphasis added): "*There is a need for 70 pitches for households that met the planning definition to 2035. This is made up of 13 households on unauthorised developments; 12 concealed or doubled-up households or adults; 22 teenage children in need of a pitch of their own in the next five years; 1 pitch with temporary planning permission; and 22 from new household formation using a rate of 1.90% derived from the demographics of the households that were interviewed. In Dartford, a number of sites are occupied by extended family groups and are not sub-divided into individual pitches. As such, in the short to medium term, it is likely that the accommodation needs of concealed or doubled-up adults and teenagers who will be in need of a pitch of their own in the next 5 years could be met through additional touring caravans or shared static*

caravans, tourers and dayrooms on existing sites. These would generally be equivalent to providing pitches, even if they are not formally set out as such.

3.2 The specific nature of local requirements behind the headline assessed need figure for Dartford must be understood in order for needs to be effectively addressed.

3.3 The needs assessment ([GAT-1](#)) concludes, on pages 47-48, Paragraphs 8.5-8.8:

“It is recommended that alternative approaches should be considered when seeking to address the levels of need identified in this GTAA, especially when seeking to meet the need through the intensification or expansion of existing sites.

The first approach to consider is in relation to single concealed or doubled-up adults and teenagers who will be in need of a pitch of their own in the next 5 years. In the short to medium term it is likely that the accommodation need of these individuals could be met through additional touring caravans on existing sites which are, generally, each equivalent to the provision of a pitch, as opposed to more formally set out pitches.

The second approach to consider is for sites occupied by larger extended family groups. Again, sites like this may be able to meet the overall accommodation needs through a combination of shared static caravans, tourers and dayrooms on existing sites which are, generally, each equivalent to the provision of a pitch – as opposed to more formally set out sites with separate pitches. It is common for conditions in Decision Notices for Travellers sites to simply place limits on the numbers and types of caravans as opposed to placing limits on the number of pitches.

It is recommended that need for households that met the PPTS planning definition is addressed through new pitch allocations and the intensification or expansion of existing sites – considering some of the alternative approaches set out above. Given that the majority of identified need comes from households living on private sites it is likely that it will need to be addressed through the provision of private pitches or sites.”

3.4 Accordingly, Dartford’s Local Plan Preferred Options (Regulation 18) consultation document January 2020 ([CON-4](#)) states at page 80 paragraph K2: *“The potential to provide suitable accommodation ‘at source’ within existing sites may be significant, and will be explored fully. Appropriate local criteria for planning decisions will be provided.”* Paragraph K3 then outlined a focus on providing a supply of deliverable sites with the following principles:

- Additional accommodation within existing authorised site boundaries
- Sites occupied under temporary planning permissions being granted permanent planning permission
- Small scale low impact extensions to existing authorised sites
- Potential within Ebbsfleet Garden City.

3.5 The outcome of this approach towards identifying relevant deliverable sites - informing the submitted Local Plan - is summarised in chapter 4 of [GAT-2](#) (September 2021). Pages 12 and 13 (paragraphs 4.1-4.8) discuss existing sites including Salinas and Eebs Stables. Pages 13 to 18 (GAT-2 paragraphs 4.9 to 4.19) document outcomes of a search for new sites, focusing on non Green Belt land, Ebbsfleet Garden City, and public sector land. (At that point, whilst it was noted that impacts on land availability of the London Resort development proposal may remain, the Swanscombe Peninsula SSSI had not been notified).

3.6 In March 2022 in [EXAM-6](#) in response to the Inspector's Initial Questions, the Council confirmed work to identify and quantify additional site capacity had been commissioned, including the potential for additional pitches at Eebs Stables and Salinas (page 5 paragraph 3.3). It stated this had however been significantly delayed due to previous Covid-19 related tier and national lockdown restrictions and consultant staff sickness. At page 8 (paragraph 4.3 EXAM-6), the Council stated exceptional circumstances exist to justify alteration to parts of the Green Belt to meet gypsy and traveller pitch needs. The case is evidenced through the information provided below.

3.7 As noted in paragraph 2.2 above, the final outcomes of the work to identify additional capacity at existing sites was reported in the September 2022 Statement for Stage 2 hearings ([WS2-1](#)).

4. Exceptional Circumstances Case

4.1 It is proposed to remove three sites from the Green Belt and allocate the land for the provision of a total of 12 gypsy and traveller pitches. These are sites currently with the benefit of temporary planning permissions and/ or with potential for extension to provide deliverable capacity to meet needs.

4.2 This would go towards meeting the updated need for 27 pitches ([WS2-1](#) page 59) required in the first five years for those meeting the gypsies and travellers definition.

4.3 The following factors are considered to contribute to exceptional circumstances specific to this borough to justify the proposed changes to Green Belt boundaries:

- *Origin of Dartford's Gypsy, Traveller Travelling Showpeople needs-*

4.4. All Dartford's current gypsy and traveller sites are located in the Green Belt. The nature of future needs in Dartford means these are also Green Belt focussed. This was noted in the needs assessment (for example: "*in the short to medium term, it is likely that the accommodation needs of concealed or doubled-up adults and teenagers.... could be met through... existing sites*" [GAT-1](#) page 7 paragraph 1.13).

4.5 Nevertheless, and although not capable of providing for Dartford's needs from expanding families at source or in close proximity, the Council explored a range of alternative location options within the Borough (and outside it, through discussions with neighbouring authorities) and has been unable to meet needs outside the Green Belt.

- *Unavailability of Non-Green Belt land-*

4.6 The combination in Dartford Borough of development constraints (covering the majority of the Borough), and the highly limited availability of other remaining land, means suitable non-Green Belt land is not available.

4.7 The Borough's area is currently 54% designated Green Belt land. Other major constraints exist in rest of the Borough, most notably areas of flood risk associated with the Thames, Darent and Ebbsfleet Rivers, and contaminated land.

4.8 The lack of available unconstrained land (including in the northern area outside the Green Belt) was illustrated in document [WS1-2](#). At Appendix 1, the maps on pages 29 and 30 show (and label alphabetically) the limited quantity of any potentially significant parcels of land in the urban area that are unconstrained¹ and not shown on the base map as developed land/ neighbourhoods. WS1-2 page 28 accounts for all these apparently vacant/ under-used plots, setting out the nature of the unconstrained labelled parcels, confirming they:

- have actually been previously (recently) redeveloped for residential purposes,
- are occupied and actively used for infrastructure or retail purposes,
- are contaminated former landfill sites, or
- have a developable planning permission for non gypsy/ travellers development.

4.9 The unavailability of land at other locations (and also taking account of paragraph 4.4 on where needs and sites arise) means there are no reasonable alternatives to the proposed Green Belt release sites.

- *Increased Needs and Reduced Developable Land-*

4.10 Total development needs for uses including gypsies and travellers are higher than for previous Local Plans. The 2017 Development Policies Plan ([POL-2](#) page 52 Table 1) planned on the basis of a 15year need totalling 34 gypsy/ traveller pitches.

4.11 Needs have therefore approximately doubled. Since then, a significant part of the urban area previously allocated and that had remained available to accommodate development ([POL-1](#) policy CS5 pages 42-43 and page 143), cannot now be redeveloped due to the SSSI² notified during the first Regulation 19 new Local Plan consultation that is located on extensive non-Green Belt development land at Ebbsfleet Garden City.

- *Conclusion-*

4.12 The Council considers that these factors together provide a basis for establishing exceptional circumstances to alter the boundaries of the Green Belt and removing land from it as the only reasonable means of meeting a significant proportion of the identified need.

4.13 In terms of the three proposed sites themselves, there are additional site and development specific circumstances, which contribute to exceptional circumstances. This is considered in detail as set out in the LUC report forming Appendix 1 to this document.

¹ The WS1-2 page 19 footnote confirms that apart from Green Belt, the only applicable constraints shown are: SSSIs; ancient woodland; listed buildings; scheduled monuments; regionally important geological/ geomorphological sites; local wildlife sites; protected local green spaces; borough open spaces; and employment areas.

² The final designated extent of the SSSI is shown at [ECC-1](#) page 39.

Appendix 1:

**Dartford Gypsy and Traveller Sites
Green Belt Harm Assessment
(LUC, 2023)**

[Published separately]

Dartford Gypsy and Traveller Sites

Green Belt Harm Assessment

Dartford Borough Council

Final report

Prepared by LUC

January 2023

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1	Draft	DH	RS	SY	07.12.2022
2	Revised draft	RS	SY	SY	06.01.2023
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Dartford Gypsy and Traveller Sites

Contents

Chapter 1	4
Introduction and context	
Background	4
Green Belt policy	7
Chapter 2	10
Methodology	
The assessment process	10
Assessment factors informing Green Belt harm	11
Chapter 3	28
Site assessments	
Harm of release of land at Eagle Farm, High Road, Wilmington	29
Harm of release of land at Eebs Stables, Trollingdown Hill, Dartford	36
Harm of release of land at Salinas, Darenth Wood Road, Dartford	43
Chapter 4	49
Summary	
References	50

Chapter 1

Introduction and context

1.1 This chapter sets out the background to the assessment and a summary of relevant Green Belt policy.

Background

1.2 LUC was commissioned by Dartford Borough Council (DBC) in November 2022 to undertake an assessment of the harm to the Green Belt purposes that would result from the release of land for development within the Borough. The assessment is limited to the consideration of three specific sites proposed for use as gypsy and traveller pitches, as described below and shown on **Figure 1.1**.

1.3 The Dartford Gypsy and Traveller Accommodation Assessment (GTAA) **[see reference 1]** identified needs for pitches for gypsies and travellers and plots for travelling show people. The GTAA recognised that a number of sites are occupied by extended family groups and are not sub-divided into individual pitches. As such, in the short to medium term, the assessment recognised the likelihood that the accommodation needs of concealed or doubled-up adults and teenagers could be met through additional touring caravans or shared static caravans, tourers and dayrooms on existing sites.

1.4 All the gypsy, traveller and travelling show people's sites within Dartford Borough are located within the Green Belt. The Council has tried to identify non-Green Belt sites; however, it has not been able to identify any such deliverable sites. Many of the needs arise from the extended family groups referred to in the above paragraph. Accordingly, the most appropriate way of accommodating additional pitches is by the intensification or small-scale extensions to existing sites. The Council considers that there are exceptional circumstances for releasing land in the Green Belt to meet these needs. In this respect, three sites

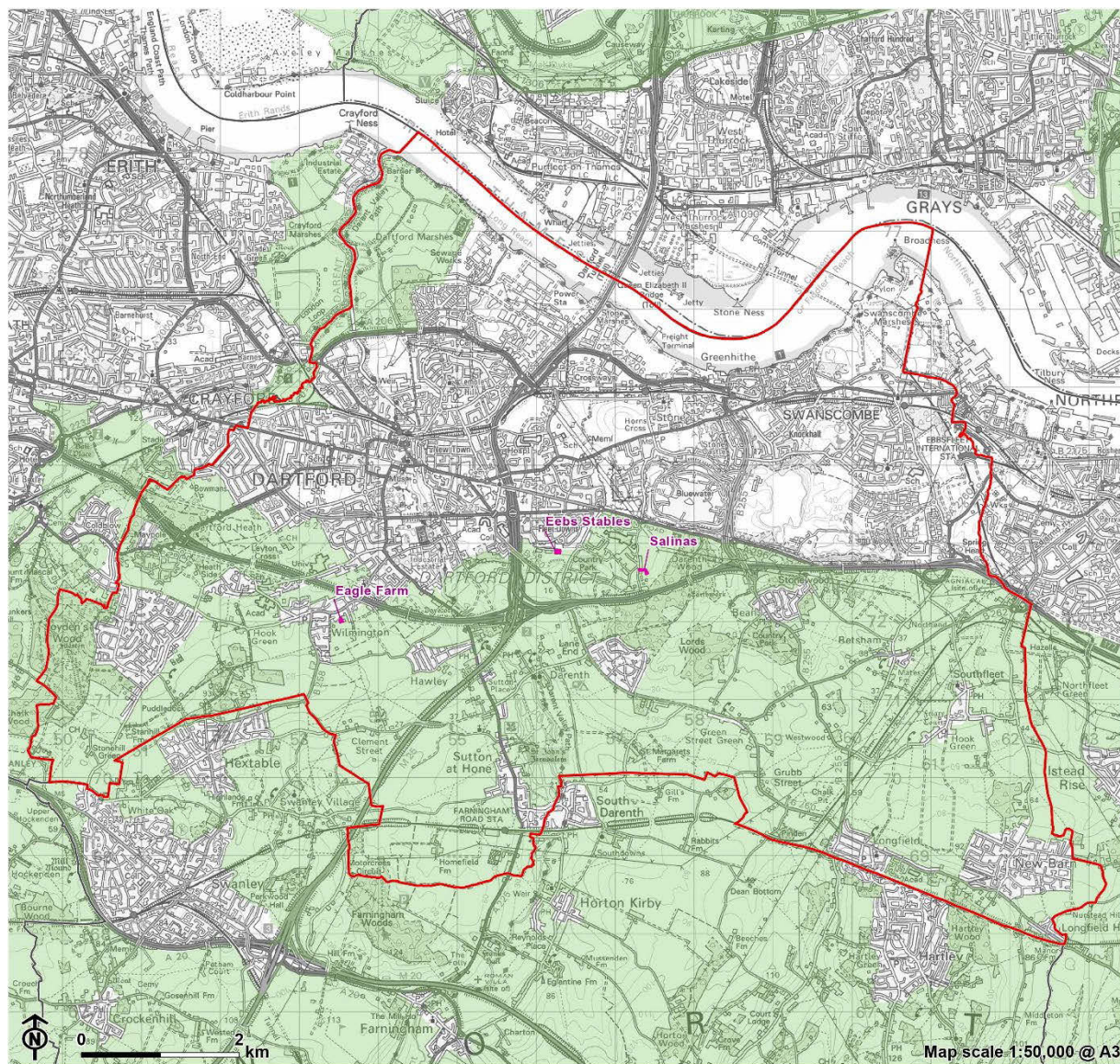
have been identified by the Council that can accommodate 12 pitches to meet the needs of gypsies and travellers in the period to 2026/27, as follows:

- Eagle Farm, High Road Wilmington – located immediately south of the existing built-up area of Wilmington.
- Eebs Stables, Trollingdown Hill Dartford – located immediately south of the existing built-up area of Fleet Downs (Dartford).
- Salinas, Darenth Wood Road Dartford – located to the south-east of the existing built-up area of Fleet Downs, adjacent to an area of development within the Green Belt.

1.5 This assessment will provide the Council with the necessary evidence to determine the potential harm to the Green Belt. However, it does not recommend what land could be released for development. This requires the additional consideration of development need and a range of sustainability factors which the Council will take into account in reaching a conclusion as to whether there are exceptional circumstances to justify the release of Green Belt land.

1.6 The assessment also makes reference to appeal decisions made in 2022 which are relevant to two of the sites:

- Appeal ref APP/T2215/W/20/3262652, which concerns the Eagle Farm site.
- Appeal ref APP/T2215/C/19/3228536, which concerns the Eebs Stables site.
- Appeal ref APP/T2215/W/19/3228522, which also concerns the Eebs Stables site.



Green Belt Harm Assessment
Dartford Borough Council



Figure 1.1: Proposed Gypsy and Traveller Sites

- Assessment site
- Local Authority boundary
- Green Belt

Green Belt policy

National Green Belt purposes

1.7 The National Planning Policy Framework (NPPF) [see reference 2] states in paragraph 138 that Green Belts serve five purposes:

The Purposes of Green Belt

- 1) To check the unrestricted sprawl of large built-up areas.
- 2) To prevent neighbouring towns merging into one another.
- 3) To assist in safeguarding the countryside from encroachment.
- 4) To preserve the setting and special character of historic towns.
- 5) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

1.8 The NPPF also states in paragraphs 139 and 140 that Green Belt boundaries should only be altered where 'exceptional circumstances' are fully evidenced and justified, through the preparation or updating of plans.

1.9 Paragraph 143 states that when defining Green Belt boundaries, "plans should ... f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".

1.10 Legal case law, as established in *Calverton Parish Council v Greater Nottingham Councils & others* (2015), indicates that planning judgments setting out the 'exceptional circumstances' for the amendment of Green Belt

boundaries require consideration of the ‘nature and extent of harm’ to the Green Belt and ‘the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent’. This study will provide the Councils with the necessary evidence to determine the potential harm to the Green Belt.

Local Green Belt policy

Adopted policy

1.11 Policy CS 13 of the Dartford Core Strategy (2011) [\[see reference 3\]](#) seeks to protect the Green Belt within the Borough, stating that the Council will “resist inappropriate development ... through its development control decisions”. The supporting text for policy CS13 states that “the Green Belt in Dartford preserves the open countryside between the edge of London and the urban areas east and south; contains the outward growth of Dartford, thereby creating a more compact and sustainable urban form; and preserves the identity of the settlements south of the A2, preventing further suburbanisation; it benefits the distinctive and diverse historic landscapes around Dartford”.

1.12 Paragraph 15.2 of the ‘Dartford Development Policies Plan’ (July 2017) [\[see reference 4\]](#) states that “the Green Belt is essentially characterised by the openness of the land” and that “an outcome of this has been to assist in safeguarding the countryside from encroachment and, to some extent, contributing to preserving the setting and historic character of some villages and rural settlements in the Borough”.

Emerging policy

1.13 Policy M13 of the emerging Local Plan [\[see reference 5\]](#) states that the “essential characteristics [of the Green Belt] are its openness and permanence” and that “inappropriate development in the Green Belt will be resisted in

accordance with national planning policy”. The supporting text for Policy M13 notes that “An outcome [of the Green Belt} has been to assist in safeguarding the countryside from encroachment and, to some extent, contributing to preserving the setting and historic character of some villages and rural settlements in the Borough”.

Chapter 2

Methodology

2.1 This chapter outlines the methodology used to undertake the assessment of Green Belt harm.

2.2 There is no defined approach set out in the NPPF or National Planning Practice Guidance (NPPG) as to how Green Belt assessments should be undertaken. The approach is based on LUC's extensive experience of undertaking Green Belt assessments for over 50 local authorities and has been informed by relevant case law and Inspectors' decisions. Reference is also made to an advice note (Planning on the Doorstep: The Big Issues – Green Belt) published by the Planning Advisory Service (PAS) in 2015 [\[see reference 6\]](#), that discusses some of the key issues associated with assessing the Green Belt.

The assessment process

2.3 As the three Green Belt sites are all under 0.5 hectares (ha) in extent, they are assessed as single parcels of land.

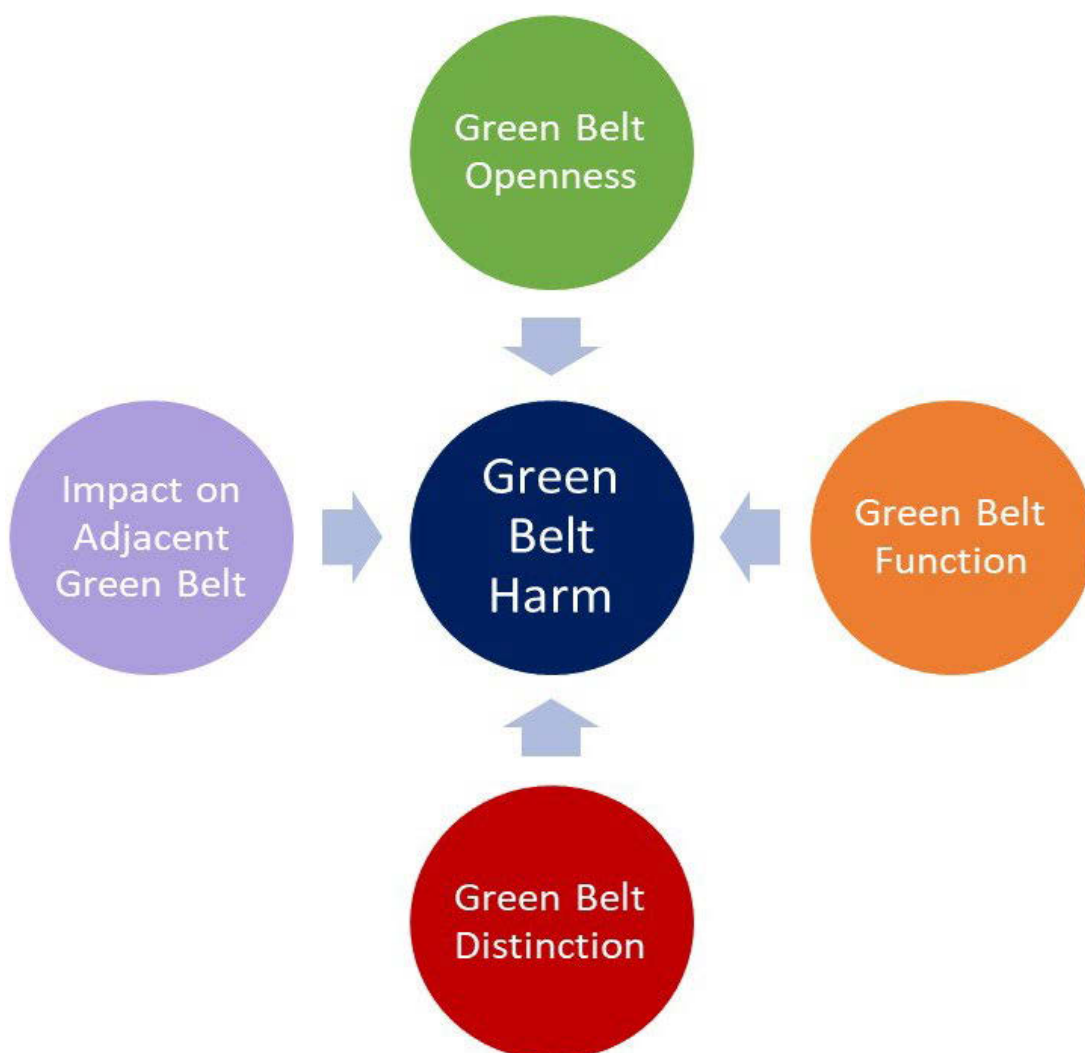
2.4 For each site a rating was given for harm to each of the NPPF Green Belt purposes. A scale of five harm ratings – 'no', 'low', 'moderate', 'high' and 'very high' – was used, but it should be noted that there are no absolute definitions associated with these stated levels of Green Belt harm. The ratings provide a means of relative comparison.

2.5 The assessment of harm to the Green Belt purposes was a desktop study based on the use of detail mapping, aerial views and 'street view' photography.

2.6 The analysis was carried out without any consideration of specific development proposals, but with the assumption that openness would be lost if land were to be released. This approach provides a 'level playing field', in cases where there are different levels of detail and certainty associated with different site proposals.

Assessment factors informing Green Belt harm

2.7 Four factors were considered in order to assess the harm of releasing Green Belt land, as set out in the diagram below:



2.8 These four factors are considered in more detail in the paragraphs below.

Factor 1: Green Belt openness

2.9 The NPPF identifies openness as an ‘essential characteristic’ of Green Belt land, rather than a function or purpose. Land that is fully developed cannot, therefore, be considered to contribute to the purposes of the Green Belt, but land which still retains some openness may do so.

2.10 The overall level of harm will depend on the combination of the four identified factors, but greater openness will generally result in higher harm, whilst lower openness will result in lower harm. The extent, scale, form, density and location of any ‘inappropriate development’ (see below) are taken into consideration.

2.11 Case law [\[see reference 7\]](#) makes it clear that Green Belt openness relates to a lack of ‘inappropriate development’ rather than to visual openness, thus both undeveloped land which is screened from view by landscape elements (e.g. tree cover) and land with development which is not considered ‘inappropriate’ and are still ‘open’ in Green Belt terms.

2.12 The definitions of appropriate development contained within the closed lists in paragraphs 149 and 150 of the NPPF have been used to determine whether openness can be considered to be affected, but caution has been exercised in such judgements. It is not within the scope of this assessment to review each form of development within a site and ascertain whether it was permitted as appropriate development or not, unless it is clear cut.

2.13 The consideration of openness does not extend to the consideration of the urbanising influence of development that lies outside of the site. This is considered separately, when looking at the relationship between urban and open land (see Factor 3 below). The urbanising visual influence of the proposed development on adjacent open Green Belt land is also considered separately (see Factor 4 below).

Factor 2: Green Belt function

2.14 Each Green Belt purpose targets a different aspect of the relationship between urban areas and Green Belt land. The applicability of each of the Green Belt purposes to any given area of land will depend on the nature of the urban area with which that land is associated.

2.15 For Purpose 1 (preventing the sprawl of large built-up areas) we defined which settlements make up the 'large built-up area'; for Purpose 2 (preventing the coalescence of towns) we defined which settlements are 'towns'; for Purpose 3 (safeguarding the countryside from encroachment) we defined 'countryside'; and for Purpose 4 (preserving the setting and special character of historic towns) we defined which settlements in the vicinity of the three sites constitute 'historic towns'.

Purpose 1: preventing the sprawl of large built-up areas

2.16 Green Belt Purpose 1 aims "to check the unrestricted sprawl of large built-up areas". Paragraph 1.23 of the Core Strategy (2011) states that "the main established settlement in the north of the Borough is Dartford Town Centre with its surrounding residential neighbourhoods". Dartford is contiguous with the Greater London urban area, the growth of which the Metropolitan Green Belt was created to constrain. On this basis, the large built-up area is defined as Dartford and surrounding contiguous urban areas including Fleet Downs, Temple Hill, New Town and Wilmington.

2.17 Whilst definitions of 'sprawl' vary, the implication of the terminology is that planned development may not contravene this purpose. However, in assessing the impact of releasing land in the context of a Green Belt study, no assumptions about the form of possible future development can be made, so the role an area of land plays is dependent on its relationship with a large built-up area.

2.18 Land that, if developed, would clearly constitute an extension of a large built-up area makes the strongest contribution to preventing its sprawl. However, it is recognised that a smaller inset settlement area close to a large built-up area can have a relationship with it such that expansion of the latter, particularly if it narrows the gap between the two, can also be considered detrimental to this purpose.

2.19 The greater the distance from a large built-up area, the lower the likelihood Green Belt land is likely to fulfil the function of Purpose 1. However, Purpose 1 is to some degree relevant to any expansion of a large built-up area, however far that extends.

Purpose 2: preventing the coalescence of towns

2.20 Green Belt Purpose 2 aims “to prevent neighbouring towns merging into one another”.

2.21 Paragraph 1.23 of the Core Strategy (2011) states that “the main established settlement in the north of the Borough is Dartford Town Centre”. To the south of Dartford (the direction in which the assessment sites are located) the nearest settlement that can be considered a town is Swanley, in Sevenoaks District.

2.22 Inset settlements in the southern part of Dartford Borough are too small to constitute towns but smaller settlements may lie in between larger ones, such that loss of separation between them may in turn have a significant impact on the overall separation between larger ‘towns’. Hextable thus has an impact on the perceived gap between Dartford (including the contiguous village of Wilmington) and Swanley (within the neighbouring Sevenoaks District).

2.23 The concept of ‘merging’ is clear but assessing the extent to which land between towns contributes to preventing this is less so. However, it is generally acknowledged that the role open land plays in preventing the merging of towns is more than a product of the size of the gap between them. Assessments

therefore usually consider both the physical and visual role that intervening Green Belt land plays in preventing the merging of settlements.

2.24 Both built and natural landscape elements can act to either decrease or increase perceived separation. For example, intervisibility, a direct connecting road or rail link or a shared landform may decrease perceived separation, whereas a separating feature such as a woodland block or hill may increase the perception of separation.

Purpose 3: preventing encroachment on the countryside

2.25 Green Belt Purpose 3 aims “to assist in safeguarding the countryside from encroachment”. An assessment of Purpose 3 requires consideration of the extent to which land constitutes ‘countryside’ on the basis of its usage.

2.26 Some open land may, through its usage, have a stronger relationship with the adjacent urban area and, as a result, not be considered ‘countryside’ to the same degree as other open land. Equally, some land may be largely contained by urban development but may nonetheless retain, as a result of its usage and its size, a countryside character.

2.27 Development that is rural in form may often not be considered to detract from countryside character. The presence of urban development within the assessment site will clearly have an impact on the degree to which land is considered to be countryside, but it will also have an impact on other Green Belt purposes and so is set out separately in the assessment process (see Factor 3 definition relating to ‘distinction’).

2.28 It is important for the purposes of the assessment not to stray into assessing landscape character, sensitivity or value; whilst Green Belt land may be valuable in these respects it is not a requirement or purpose of the designation to provide such qualities. Therefore, the condition of land has not

been taken into consideration: any Green Belt land found to be in poor condition may perform well in its fundamental role of preventing encroachment by keeping land permanently open.

Purpose 4: preserving the setting and special character of historic towns

2.29 Green Belt Purpose 4 is “to preserve the setting and special character of historic towns”. This purpose makes specific reference to ‘historic towns’, not to individual historical assets or smaller settlements such as villages and hamlets. Paragraph 5.112 of the emerging Dartford Local Plan (September 2021) states that the “an outcome of [the Green Belt] has been ... to some extent, contributing to preserving the setting and historic character of some villages and rural settlements in the Borough”. Whilst this might be a beneficial ‘outcome’ attributable to some degree to the Green Belt, the NPPF does not state such protection as a purpose of the designation.

2.30 For Green Belt land to contribute to this purpose it needs to have a significant relationship with historic aspects of a town’s setting, such that some degree of special character results. Dartford can be considered to be a historic town, as reflected in the Dartford Town Centre Conservation Area Appraisal and Management Plan [see reference 8] which states that “Dartford is a town of considerable historic importance” (Paragraph 1.1). However, the historic core of the town is surrounded by later development, which limits its relationship with the surrounding open land. This is reflected in the fact that the conservation area appraisal does not refer to the surrounding open land as contributing to the area’s special interest or characteristics. Therefore, Green Belt land around Dartford does not play a significant role in defining its setting and special character.

Purpose 5: assisting in urban regeneration by encouraging the recycling of derelict and other urban land

2.31 Green Belt Purpose 5 is “to Assist in Urban Regeneration by Encouraging the Recycling of Derelict and Other Urban Land”. Most Green Belt studies do not assess individual Green Belt land parcels against Purpose 5, and either do not rate them or rate them all equally, on the grounds that it is difficult to support arguments that the release of one area of Green Belt land has a greater impact on encouraging re-use of urban land than another. On this basis, a uniform level of harm to Purpose 5 has been applied to all three sites.

Factor 3: relationship between urban areas and open land (distinction)

2.32 The extent to which land can be considered to relate to an urban area or to the wider countryside – referred to as the degree of ‘distinction’ from the urban area – is the third factor of Green Belt assessment. Land that is related more strongly to urbanising development typically makes a weaker contribution to most of the Green Belt purposes:

- For Purpose 1: expansion of a large built-up area into land that lacks strong distinction from the existing settlement is less likely to be perceived as sprawl than expansion into an area that is less influenced by existing urban development.
- For Purpose 2: expansion into land that lacks strong distinction from a town is likely to have less perceived impact on separation from a neighbouring town.
- For Purpose 3: expansion into land that lacks strong distinction from a settlement is likely to have less perceived encroaching impact on the countryside. The PAS guidance recognises this, stating that, when considering release of land, “The most useful approach is to look at the

difference between urban fringe – land under the influence of the urban area – and open countryside, and to favour the latter in determining which land to try and keep open, taking into account the types of edges and boundaries that can be achieved”. The second part of this quote, the consideration of the boundaries that can be achieved, is addressed separately below.

2.33 Unlike Purposes 1-3, the contribution land makes to the Green Belt Purpose 4, and the harm that would result from its release, does not increase as the relationship between the site and the urban area weakens. It may be the case that land which has a stronger association with the settlement will play a stronger role in contributing to its setting and special character.

2.34 The extent to which Green Belt land relates to an urban area and to the wider countryside (that is, the degree of distinction from the urban area) will be influenced by:

- The strength and consistency of boundary features between the site and the urban edge(s);
- The nature of landform and/or land cover within the site, or between the site and the urban edge(s); and
- The scale, location and visibility of urban development or other urbanising influences.

2.35 The strongest distinction occurs where there are boundary features which provide visual separation and also impede physical movement, and which are consistent over a considerable distance. If a physical feature occupies a wide area, rather than just being a linear barrier, then distinction is strengthened further. A sizeable area of woodland, for example, will create very strong distinction from an urban area, as long as it is not overly surrounded by development. A motorway or river may not necessarily be a strong visual barrier (although associated vegetation means that it sometimes will be), but it is likely to be a physical barrier that covers a considerable distance.

2.36 Residential gardens would be an example of a weak boundary. If open Green Belt beyond them retains a relatively strong relationship with the wider countryside then distinction will not be weak, and could still be strong if there is a strong landform feature, such as a hillside or valley. However, a lack of relationship with the wider countryside, for example because of a degree of containment by urban edges or by washed-over urbanising development within the Green Belt, weakens distinction.

2.37 However, regardless of the strength of boundary features and the nature of landform or land cover, distinction will increase with distance from urban influences. The stronger the visual and physical relationship with the wider Green Belt, the more rapid the transition away from urban influence, and the cumulative impact of multiple minor boundary features can be equally significant as a single strong boundary feature.

2.38 As noted previously, the absence of visual openness does not diminish openness in Green Belt terms. However, it is accepted that there is a visual dimension to the perception of openness (this is indicated in the NPPG), and this can have a bearing on the distinction between built-up areas and countryside.

2.39 Caution is used when considering views, recognising that seasonal variations and boundary maintenance regimes can have a significant impact. The scenic quality of views is not relevant to Green Belt assessments.

Factor 4: impact on the adjacent Green Belt

2.40 Having considered the openness and function of the Green Belt and its relationship with the urban area, we then consider how the release of that land would affect the remaining Green Belt. There are two aspects to this:

- How release of land would affect the relationship of adjacent Green Belt land with the urban area (that is, its distinction from the expanded urban area);

- How release of land would affect the function of the Green Belt.

2.41 These potential impacts are considered under the subheadings below.

2.42 The assumption is made that any land which is released will be developed, but in practice there may be scope to mitigate harm to some degree by retaining a level of openness, or by strengthening boundaries.

Impact on distinction of adjacent Green Belt

2.43 The release of land may have an adverse impact on the remaining Green Belt by increasing urbanising influence on it (that is, reducing its distinction). This can occur simply by bringing land closer to the urban edge than it currently is, so it is typically the case that there would be a knock-on weakening of the distinction of remaining Green Belt land, were land to be released.

2.44 Factors that will affect this are the same elements that are considered when determining how distinct land is from the urban area: the strength and consistency of boundary, the nature of landform and land cover, and the extent of any urbanising influences:

- If the new Green Belt boundary would be a strong physical feature, then urbanising impact on land beyond could be lower.
- If the new Green Belt boundary would be a weaker, and/or less consistent physical feature, then urbanising impact on land beyond could be greater.
- If the Green Belt land that would be adjacent to the expanded settlement has strong landform or land cover distinction, then urbanising impact on it could be lower.
- If the area that would be released is partially contained by existing urban edges, or by urbanising influences within the Green Belt, then urbanising impact on land beyond could be lower.

Impact on Green Belt function

2.45 With regard to Purpose 1: it is possible that the release of land could reduce separation between a large built-up area and a smaller settlement such that the smaller settlement is perceived to have become more strongly associated with, or a part of, the large built-up area. This would add to the harm caused by the loss of contribution from releasing the site, and by any weakening of the distinction of adjacent Green Belt land.

2.46 With regard to Purpose 2: regardless of whether it would weaken the distinction of adjacent Green Belt land, a significant reduction in the size of a gap between towns would constitute a weakening of the Green Belt's function in maintaining their separation. What constitutes a 'significant' reduction in a settlement gap depends on the robustness of the current gap, and on whether or not the release of land would also cause the loss of important landscape features that strengthen current separation.

2.47 With regard to Purpose 3: the countryside function of adjacent retained Green Belt land is rarely affected. The release of an area does not change the use of adjacent land, preventing it from being considered countryside. However, release of land could result in adjacent retained Green Belt land becoming contained to the extent that it is too isolated from the wider Green Belt to be considered part of the countryside.

2.48 With regard to Purpose 4: the release of land could affect the relationship between other Green Belt land and a historic town, diminishing the role of that other land in contributing to the settlement's setting and special character. The principal example of this would be visually affecting important views from or to the town.

Determining harm of release

2.49 The assessment of the four factors described above were combined to give a rating for harm to each of the first four Green Belt purposes that would result from release of a site.

2.50 The harm ratings use a five-point scale of 'no', 'low', 'moderate', 'high' and 'very high'. The boxes below provide benchmark examples of how the different assessment elements combine to give harm ratings, but there are many different combinations for each of the rating levels. Professional judgement has been used in each individual case to consider how much weight to attach to each contributing element. Clear justification is provided for all ratings given in relation to how the overall judgement of Green Belt harm has been made.

2.51 It is important to note that there are no accepted definitions of different levels of harm to the Green Belt purposes, so the ratings on this five-point scale should be considered relative rather than absolute. LUC's relative scale is consistent with that used in Green Belt studies we have undertaken elsewhere and was developed to accommodate a range of studies up to district-wide level. Direct comparison with assessments that use a different rating scale, or which use terminology more qualitatively, cannot be made. This is particularly relevant to the two sites for which planning appeal judgements have been made, for which further information and comparative commentary is provided in Chapter 3 below.

2.52 The examples assume that a parcel performs some function in relation to the Green Belt purpose. Where this is not the case there will be no harm to the purpose.

2.53 It should be noted that the effect on the harm ratings of any weakening of the distinction of adjacent Green Belt land is dependent on the role of that adjacent land. Unless there would be some impact on land that makes a stronger contribution to one or more of the Green Belt purposes, the weakening

of distinction will not serve to increase any harm ratings above those which would result from the release of both the site and the adjacent land in question.

Benchmark harm ratings for Purpose 1

Very High Harm

Land is open and adjacent to a large built-up area and has strong distinction from it. Its release would weaken the distinction of adjacent Green Belt land, replacing a stronger, consistent boundary with a weaker one.

Land is open and adjacent to a large built-up area and has strong distinction from it. Its release would result in a smaller settlement becoming joined to the large built-up area, such that the former would now be perceived as part of the latter.

High Harm

Land is open and adjacent to a large built-up area. It has strong distinction from it, and its release would weaken the distinction of adjacent Green Belt land.

Land is open and adjacent to a large built-up area. It has moderate distinction from it, but its release would weaken the distinction of adjacent Green Belt land, replacing a strong, consistent boundary with a weaker one.

Moderate Harm

Land is open and adjacent to a large built-up area and has strong distinction from it. However, it has strong boundary features so its release would have only a minor impact on adjacent Green Belt land.

Land is open and adjacent to a large built-up area. It has moderate or only weak distinction from it, but its release would weaken the distinction of adjacent Green Belt land.

Land is open. It is close to a large built-up area and has strong distinction from it but has a stronger relationship with a smaller settlement. Its release would weaken the distinction of adjacent Green Belt land.

Low Harm

Land is open and adjacent to a large built-up area but has weak distinction from it. Its release would have only a minor impact on the distinction of adjacent Green Belt land.

Land is open but is largely contained by the large built-up area. It has strong enough boundaries and covers a large enough area to have strong distinction from the large built-up area, but its release would have only minor impact on adjacent Green Belt land.

Benchmark harm ratings for Purpose 2

Very High Harm

Land is open and lies in a very narrow but clear gap between towns, and its release would weaken the distinction of any remaining land in that gap.

Land is open and lies in a narrow gap between towns. It has strong distinction from the urban edge and its release would significantly narrow the gap.

High Harm

Land is open and lies in a narrow gap between towns. It has strong distinction from the urban edge. Its release would not significantly reduce the size of the gap but it would weaken the distinction of adjacent Green Belt land.

Land is partially developed and has only moderate distinction from the adjacent town, but it lies in a narrow gap between towns and its release would weaken the distinction of the remaining land in that gap.

Moderate Harm

Land is open and has strong distinction from the adjacent town. It lies in a relative wide gap between towns, but its release would weaken the distinction of adjacent Green Belt land.

Land is open and has very strong distinction from the adjacent town. It lies in a relative wide gap between towns, and its release would have only a minor impact on the distinction of adjacent Green Belt land.

Land lies in a narrow gap between towns but is partially developed, and its release would have only a minor impact on the distinction of adjacent Green Belt land.

Low Harm

Land is open and has very strong distinction from the urban edge, but it lies in a wide gap between towns and its release would have only a minor impact on the distinction of adjacent Green Belt land.

Land lies in a narrow gap between towns but is mostly developed and its release would have only a minor impact on adjacent Green Belt land.

Benchmark harm ratings for Purpose 3

Very High Harm

Land is open countryside which has very strong distinction from any urban area. Its release would weaken adjacent Green Belt land.

Land is open countryside which has strong distinction from the urban edge. Its release would weaken the distinction of adjacent Green Belt land, replacing a stronger, consistent boundary with a weaker one.

High Harm

Land is open countryside which has strong distinction from any urban area. Its release would weaken the distinction of adjacent Green Belt land.

Land is open countryside which has very strong distinction from any urban area. However, it has strong boundary features so its release would have only a minor impact on the distinction of adjacent Green Belt land.

Moderate Harm

Land is open countryside which has moderate or only weak distinction from the urban edge. Its release would weaken the distinction of adjacent Green Belt land.

Land is open countryside which has strong distinction from the urban edge. Its release would not weaken the distinction of adjacent Green Belt land.

Low Harm

Land is open countryside with some distinction from the urban area, but its release would have only minor impact on the distinction of adjacent Green Belt land.

Land is mostly open and has strong distinction from the urban edge, but it has uses which associate it with the urban area. Its release would have only minor impact on the distinction of adjacent Green Belt land.

Benchmark harm ratings for Purpose 4

Very High Harm

Land plays a significant role in the setting or special character of a historic town, and its release would also weaken the contribution of other land to this purpose.

High Harm

Land plays a significant role in the setting or special character of a historic town. Its release would not significantly affect the contribution of other land to this purpose.

Land plays some role in the setting or special character of a historic town, and its release would also weaken the contribution of other land to this purpose.

Moderate Harm

Land plays some role in the setting or special character of a historic town. Its release would not significantly affect the contribution of other land to this purpose.

Land plays a minor role in the setting or special character of a historic town, but its release would also weaken the contribution of other land to this purpose.

Low Harm

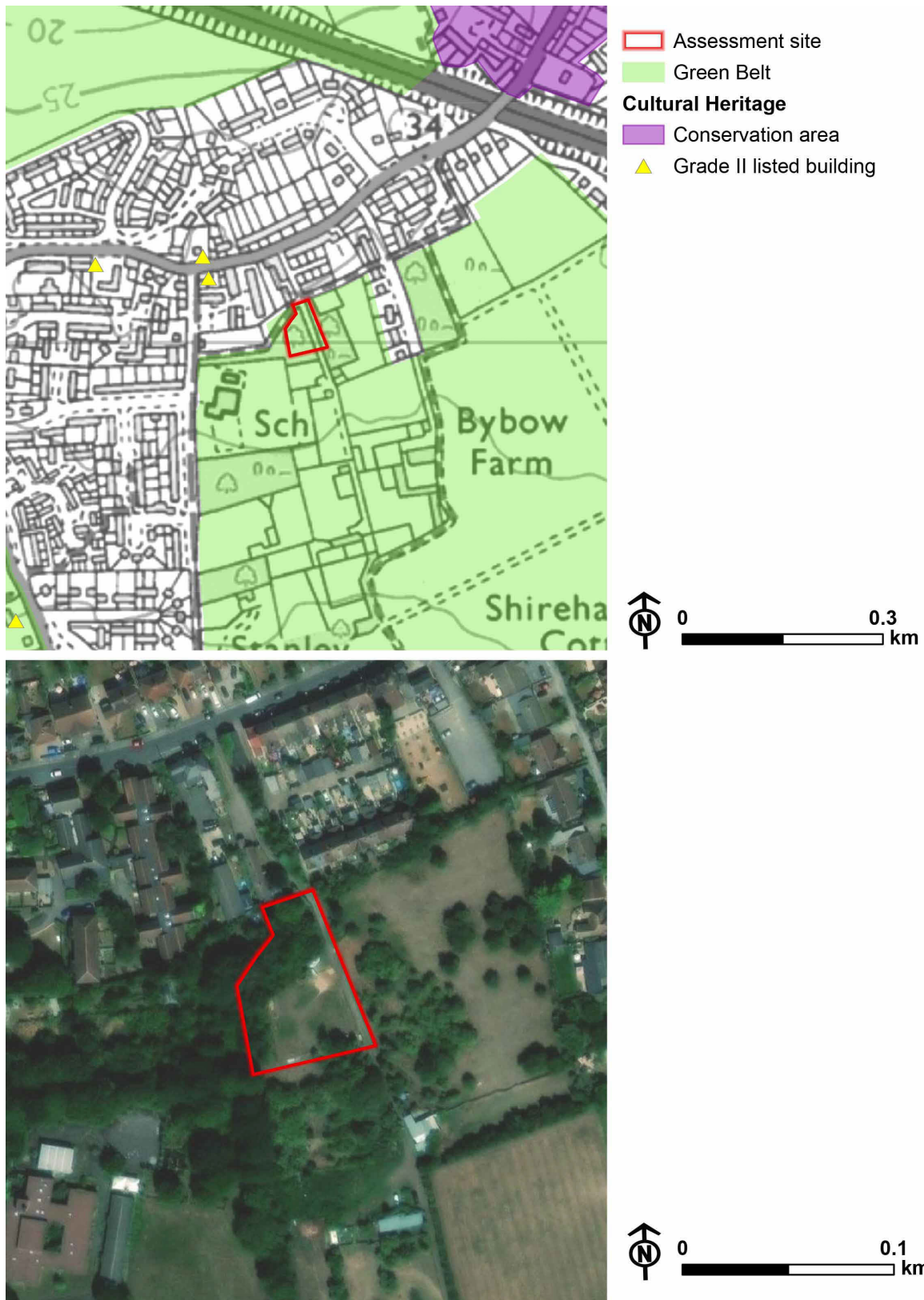
Land plays a minor role in the setting or special character of a historic town. Its release would not significantly affect the contribution of other land to this purpose.

Chapter 3

Site assessments

3.1 The following chapter sets out the assessment of harm to the Green Belt purposes for release of each of the three sites.

Harm of release of land at Eagle Farm, High Road, Wilmington



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Description

3.2 The site lies immediately south of the village of Wilmington. It comprises an area of rough grassland and scrub vegetation. Whilst it contains no existing built development, domestic garden boundaries of properties on South View Road to the north form a relatively weak boundary between the site and the inset area. In addition, although the site only physically adjoins the inset area to the north, there is a wider sense of urban containment and influence due to the presence of inset edges to the east (along Orchard Way) and west (along Stock Lane), as well as School buildings located within the Green Belt to the east of Stock Lane. The site's southern and western boundaries are formed by mature hedgerows, whilst that to the east is defined by a farm access track. The landscape surrounding the site comprises open farmland interspersed with small woodland blocks.

3.3 An appeal against refusal of planning permission for change of use to a gypsy and traveller site, to accommodate 4 x two-bed static homes, was allowed on 7/11/2022 (ref APP/T2215/W/20/3262652). However, the permission granted was temporary – for a period of no more than five years – and personal. LUC's assessment has considered the harm to the Green Belt purposes that would result from the release of land from the designation, a change in status that would be considered permanent. Reflecting the temporary nature of the permission, LUC has assessed harm of release against a baseline of there being no development on the site – that is to say, the permitted development has no bearing on the analysis. For comparative purposes we have included a section below that references the findings of the appeals in relation to Green Belt harm, but these judgements have not influenced LUC's assessment of harm to the Green Belt purposes.

Harm to the Green Belt purposes

Table 3.1: Harm from the release of land as an expansion of Wilmington

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Low	No	Low	No	Equal

Purpose 1 – Check the unrestricted sprawl of large built-up areas.

3.4 The site lies adjacent to Wilmington, which although a village and civil parish is directly contiguous with Dartford. Development resulting in an expansion of Wilmington would, to some degree, constitute expansion of the large built-up area of Dartford, so the site makes some contribution to checking its sprawl.

3.5 Land is open in Green Belt terms (spatially) but has weak distinction from the inset area, which decreases the extent to which development would be considered sprawl. Release of land would have a limited impact on adjacent Green Belt land to the south, owing to the site's wider containment by the inset edges of Wilmington (the inset areas to the east and west extend further south than the site) and to limited intervisibility with open land to the south. Whilst release of the site would increase the containment of land to the immediate east and west, this is not stronger performing Green Belt and so no additional harm would occur.

3.6 There would be **Low** harm to this Green Belt purpose as a result of releasing this site.

Purpose 2 – Prevent neighbouring towns merging into one another.

3.7 The gap between the towns of Dartford and Swanley is weakened by intervening urban development at Wilmington and Hextable, along the connecting B258. However, inset development at Wilmington already extends further south than the site, so its release would not be perceived as affecting the gap. There would be **No** harm to this Green Belt purpose as a result of releasing this site.

Purpose 3 – Assist in safeguarding the countryside from encroachment.

3.8 The site, comprising remnant farmland, forms part of the countryside and so contributes to preventing encroachment upon it. Land is spatially open but has a weak distinction from the inset area which decreases the extent to which development would be considered encroachment on the countryside.

3.9 Release of land would have a limited impact on adjacent Green Belt land to the south, owing to the site's wider containment by the inset edges of Wilmington – the inset areas to the east and west extend further south than the site – and limited intervisibility with open land to the south. Whilst release of the site would increase the containment of land to the immediate east and west, this is not stronger performing Green Belt and so no additional harm would occur.

3.10 There would be **Low** harm to this Green Belt purpose as a result of releasing this site.

Purpose 4 – Preserve the setting and special character of historic towns.

3.11 The site and surrounding Green Belt have little to no relationship with the historic core of Dartford to the north. Whilst Wilmington retains some historic character (reflected in its partial designation as Church Hill, Wilmington Conservation Area, it is not an historic town. Therefore, the site makes no contribution to this purpose. There would be **No** harm to this Green Belt purpose as a result of releasing this site.

Purpose 5 – Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.12 All Green Belt land makes an **Equal** contribution to this purpose.

Potential alternative Green Belt boundary

3.13 If the site was to be released, the new Green Belt boundary to the south and west would be formed by a mature hedgerow and that to the east by an access track. Whilst this would be slightly stronger than the existing boundaries, it would lead to further convolution of the Green Belt boundary on the southern edge of Wilmington by forming a protrusion south from the existing inset edge. However, this would be similar to the existing boundary to the east which extends south along Orchard Way.

Comments in relation to appeal judgement

3.14 The November 2022 appeal judgement on this site suggested that *“the combined visual and spatial effects of the development on openness would be moderate and localised”* (appeal judgement paragraph 15). The size of the site and containment by vegetation were noted as factors limiting impact on

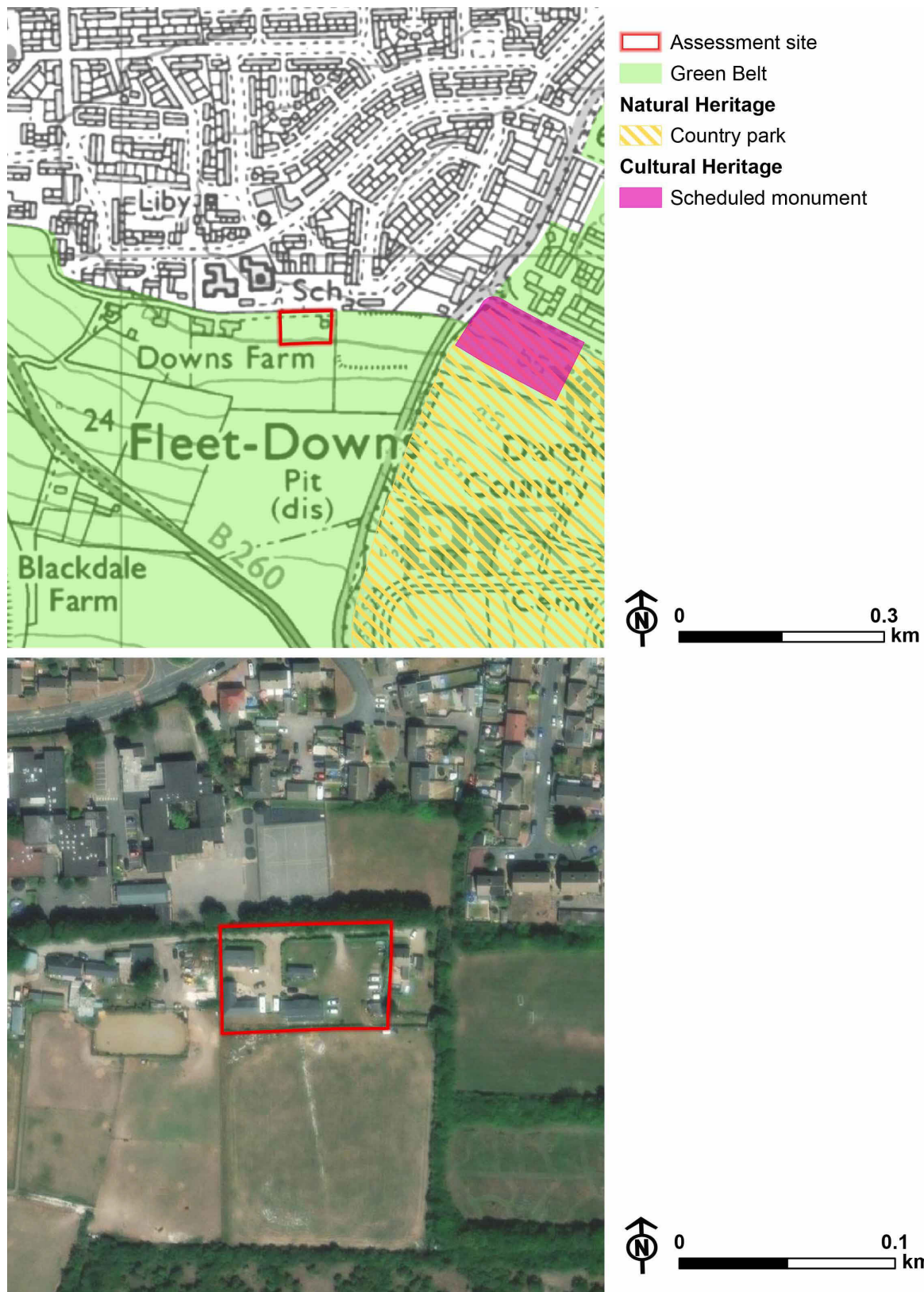
openness. LUC's assessment methodology makes a distinction between visual and spatial openness, so our description of the site as being open is referring to spatial openness, whilst the impact of new development on visual openness forms part of the consideration of impact on adjacent Green Belt land (Factor 4 in the methodology).

3.15 Expansion into this area of undeveloped countryside was considered by the Inspector to be contrary to Green Belt purposes 1 and 3 (checking unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment). LUC's assessment concurs with this.

3.16 In terms of degree of harm, the Inspector concluded that *"Taking into account the size of the scheme and its contained form, the nature and size of the settlement, and the irregular shape of the settlement boundary as it follows the existing built development in this area, the conflict with the two identified Green Belt purposes would be moderate in extent"* (appeal judgement paragraph 17). LUC's analysis likewise refers to the contained nature of the site in relation to the settlement boundary, and to the size of the settlement (that is, its status as part of a large built-up area), and so is consistent with the comments in the appeal judgement.

3.17 As suggested in paragraph 2.51 above, the use of the term 'moderate' by the Inspector cannot be directly equated to its use in LUC's harm rating scale. LUC's relative scale is consistent with that used in Green Belt studies we have undertaken elsewhere, studies which are typically district-wide and which need to distinguish between a wide range of circumstances.

Harm of release of land at Eebs Stables, Trollingdown Hill, Dartford



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Description

3.18 The site lies immediately south of Fleet Downs, which forms part of the large built-up area of Dartford. It is currently in use as a gypsy and traveller site, a status which was confirmed by two recent appeal judgements:

- An appeal against an enforcement notice relating to unauthorised change of use to a gypsy and traveller site, with regard to existing mobile homes and an ancillary building, was allowed on 25/2/2022 (ref APP/T2215/C/19/ 3228536). The area in question equates to the current site area.
- An appeal against refusal to grant planning permission for that same change of use, siting of the mobile homes and conversion of the ancillary building, was likewise allowed alongside the first appeal (ref APP/T2215/W/19/ 3228522). This appeal applied only to the western part of the current site area, where existing mobile homes and an ancillary building – a partial conversion of a pre-existing stable block – are located. The eastern part of the site is laid to grass but is in ancillary use as part of the gypsy and traveller site.

3.19 However, the permission granted by the appeal was temporary – for a period of no more than three years – and personal. LUC's assessment has considered the harm to the Green Belt purposes that would result from the release of land from the designation, a change in status that would be considered permanent. Reflecting the temporary nature of the permission, LUC has assessed harm of release against a baseline of there being no gypsy and traveller use of the site, and no development other than the pre-existing stable block – that is to say, the permitted development has no bearing on the analysis. For comparative purposes we have included a section below that references the findings of the appeals in relation to Green Belt harm, but these judgements have not influenced LUC's assessment of harm to the Green Belt purposes.

3.20 Discounting the development allowed by the temporary planning permission, the site is a small area of grassland including, at its south-western corner, a stable block. The stable is an appropriate Green Belt use, so the site

is open in Green Belt terms. A hedged access track forms a moderate boundary between the site and the urban area to the north, and the inset urban edge also coincides with a change in landform, from the elevated urban area to the north to the southward slope of Fleet-Downs, which increases distinction from the urban area. The wider landscape surrounding the site predominantly comprises open farmland, although to the south-east there is a disused pit (now largely covered by scrub vegetation). Visually the site has a strong relationship with the wider countryside, although where longer views are available (from the south) the site is viewed in the context of adjacent built development.

3.21 There are several dwellings to the south of the track to the west of the site, and one to the east. At least one of the dwellings to the west appears to be associated with agricultural land uses, and so may not be inappropriate in a Green Belt location, but the fact that the site does not extend further south than existing development curtilages does nonetheless serve to limit impact on the wider Green Belt.

Harm to the Green Belt purposes

Table 3.2: Harm from the release of land as an expansion of Dartford

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Moderate	No	Moderate	No	Equal

Purpose 1 – Check the unrestricted sprawl of large built-up areas.

3.22 The site lies adjacent to Fleet Downs, which forms part of the large built-up area and so contributes to checking its sprawl. Land is open and has relatively strong distinction from the inset urban area.

3.23 Release of this small site would have a relatively limited impact on adjacent Green Belt land to the south, as new development would extend no further south than existing development to the east and west, but it would weaken the consistency of the current Green Belt boundary hedgerow.

3.24 There would be **Moderate** harm to this Green Belt purpose as a result of releasing this site.

Purpose 2 – Prevent neighbouring towns merging into one another.

3.25 The site does not lie within any gaps between neighbouring towns and so it makes no contribution to this purpose. There would be **No** harm to this Green Belt purpose as a result of releasing this site.

Purpose 3 – Assist in safeguarding the countryside from encroachment.

3.26 Although adjacent to some built development in the Green Belt the site is open land which has relatively strong distinction from the inset urban area, and so retains a rural character.

3.27 Release of this small site would have a relatively limited impact on adjacent Green Belt land to the south, as new development would extend no further south than existing development to the east and west, but it would weaken the consistency of the current Green Belt boundary hedgerow.

3.28 There would be **Moderate** harm to this Green Belt purpose as a result of releasing this site.

Purpose 4 – Preserve the setting and special character of historic towns.

3.29 The site and surrounding Green Belt have little to no relationship with the historic core of Dartford to the north. Therefore, the site makes no contribution to this purpose. There would be **No** harm to this Green Belt purpose as a result of releasing this site.

Purpose 5 – Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.30 All Green Belt land makes an **Equal** contribution to this purpose.

Potential alternative Green Belt boundary

3.31 The existing Green Belt boundary between the site and the inset urban area is consistent with boundary hedgerows to the east and west, and although not a strong boundary it is a more substantial feature than the hedgerows which define the site. The presence of existing development to the east and west slightly weakens the extent to which the current boundary represents a clear distinction between urban and open land, but release of the site in isolation would weaken this further if it did not include any adjacent development that is not associated with agricultural land use. This is because it would result in an inconsistent Green Belt boundary that would not be ‘readily recognisable’ (NPPF paragraph 143).

Comments in relation to appeal judgements

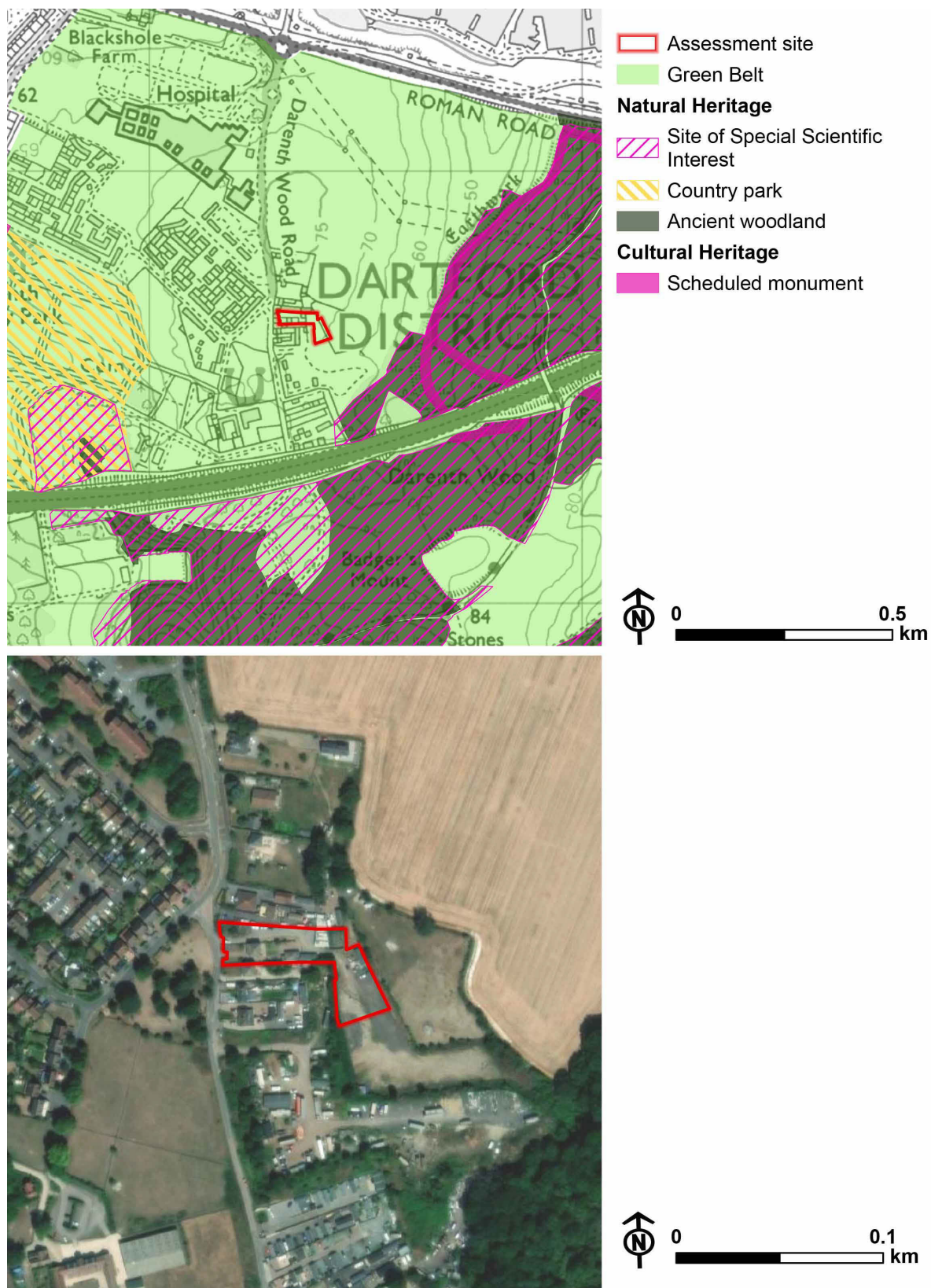
3.32 The February 2022 appeal judgements considered Green Belt harm in relation to the impact of existing unauthorised development on the openness of the Green Belt. It found the development to be ‘moderately harmful’, noting

some impact on visual openness in close and distant views but citing the relatively small size of the site as a limiting factor in level of harm (at paragraph 15 of the appeal decision), and in conflict with Green Belt purposes 1 and 3 (checking unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment).

3.33 LUC's assessment concurs with this in terms of the Green Belt purposes affected. Although direct comparison between levels of harm cannot be made, there is no evident inconsistency between the Inspector's assessment of the development as 'moderately harmful' and LUC's assessment of a 'moderate' level of harm to Purpose 1 and to Purpose 3.

Harm of release of land at Salinas, Darenth Wood Road, Dartford

References



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Description

3.34 The site lies to south-east of Fleet Downs, which forms part of the large built-up area of Dartford. It is located between 600m to 700m from the inset edge, but contiguous washed-over development (including Darent Valley Hospital and housing estates to the north of Darenth Park Avenue) almost links it to the inset area. It is mostly developed, comprising areas of hardstanding and existing built development, and the majority of the site is contained between adjacent areas of washed-over built development. The south-eastern part of the site is less contained, lying to the east of but adjoining the washed-over development, but has no significant boundary separation from it. The influence of washed-over development means that the site has weak distinction from the inset urban area, despite the distance between them.

3.35 An insubstantial hedgerow forms the site’s eastern boundary and provides limited separation from the adjacent open Green Belt land. There are no boundary features to the south-east to distinguish the site from an adjacent area of similar hardstanding. The landscape surrounding the site to the east comprises open farmland beyond which a substantial area of Ancient Woodland (Derenth Wood) is located.

Harm to the Green Belt purposes

Table 3.3: Harm from the release of land either as an isolated inset area or as an expansion of Dartford

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Low	No	Low	No	Equal

References

Purpose 1 – Check the unrestricted sprawl of large built-up areas.

3.36 The site lies to the south-east of Fleet Downs, which forms part of the large built-up area. Whilst not adjoining the inset area directly, it lies partly within an area of washed-over development contiguous with the large built-up area and so makes some contribution to checking its sprawl. Land is mostly developed in Green Belt terms and has a weak distinction from the urban area which decreases the extent to which development would be considered sprawl.

3.37 Release of land would have a limited impact on adjacent Green Belt land to the east, owing to the fact that the site contains existing development and is contained by similar development to the north and south, and that further development within the east of the site would extend only slightly further than this.

3.38 There would be **Low** harm to this Green Belt purpose as a result of releasing this site.

Purpose 2 – Prevent neighbouring towns merging into one another.

3.39 There are no towns for a considerable distance to the south or south-east, and the extensive Darenth Wood provides strong containment from any neighbouring settlements. To the north-east there is no Green Belt land separating the chain of settlements between Dartford and Gravesend.

3.40 There would be **No** harm to this Green Belt purpose as a result of releasing this site.

References

Purpose 3 – Assist in safeguarding the countryside from encroachment.

3.41 The site comprises hardstanding and existing built development, which diminishes the degree to which it is considered to comprise countryside. Land is mostly developed in Green Belt terms, and has a weak distinction from the urban area which decreases the extent to which development would be considered encroachment on the countryside.

3.42 Release of land would have a limited impact on adjacent Green Belt land to the east, owing to the fact that the site contains existing development and is contained by similar development to the north and south, and that further development within the east of the site would extend only slightly further than this.

3.43 There would be **Low** harm to this Green Belt purpose as a result of releasing this site.

Purpose 4 – Preserve the setting and special character of historic towns.

3.44 The site and surrounding Green Belt have little to no relationship with the historic core of Dartford to the north-west. Therefore, the site makes no contribution to this purpose. There would be **No** harm to this Green Belt purpose as a result of releasing this site.

Purpose 5 – Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.45 All Green Belt land makes an **Equal** contribution to this purpose.

Potential alternative Green Belt boundary

3.46 If the site was released from the Green Belt in isolation, it would result in an inconsistent Green Belt boundary that would not be 'readily recognisable' (NPPF paragraph 143) because it would leave adjacent development, from which the site has no clear distinction, as Green Belt land. Any release that does not incorporate all contiguous washed-over development between the site and Dartford will require the definition of an arbitrary boundary that will not mark a clear distinction between developed and open land.

Chapter 4

Summary

4.1 An assessment of the harm to the Green Belt purposes that would result from the release of land for development within the Borough was undertaken for three specific sites proposed for use as gypsy and traveller pitches. **Table 4.1** below summarises the harm to the NPPF Green Belt purposes for each site.

Table 4.1: Summary of harm ratings

Site	Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Eagle Farm, High Road Wilmington	Low	No	Low	No	Equal
Eebs Stables, Trollingdown Hill Dartford	Moderate	No	Moderate	No	Equal
Salinas, Darenth Wood Road Dartford	Low	No	Low	No	Equal

References

- 1 Dartford Borough Council (October 2019) Gypsy and Traveller Accommodation Assessment
- 2 Ministry of Housing, Communities & Local Government (2021) National Planning Policy Framework.
- 3 Dartford Borough Council (2011) Dartford Core Strategy, adopted September 2011
- 4 Dartford Borough Council (2017) Dartford Development Policies Plan, adopted July 2017
- 5 Dartford Borough Council (Pre-Submission (Publication) Document September 2021) Dartford Local Plan to 2037
- 6 Planning Advisory Service (2015) Planning on the Doorstep: The Big Issues – Green Belt
- 7 Two important planning appeal judgements (Heath & Hampstead Society v Camden LBC & Vlachos (2008) and Turner v Secretary of State for Communities and Local Government & East Dorset District Council (2016)) define openness as having both a spatial aspect and a visual aspect
- 8 Atkins (October 2006) Dartford Town Centre Conservation Area Appraisal and Management Plan

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