

Appeal Decision

Site visit made on 9 November 2016

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/H2265/D/16/3159538

Caterways Cottage, Old Soar Road, Plaxtol, Sevenoaks, Kent TN15 0QX

- 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 Mark Prior against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/16/01784/FL, dated 28 May 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the erection of a timber framed 2 bay garage to side of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; whether the development is inappropriate development within the Green Belt; the effect of the proposal on the openness of the Green Belt; if the proposal would be 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 necessary to justify it.

Reasons

Whether inappropriate development and loss of openness

3. Caterways Cottage comprises a two storey semi-detached property located on the eastern side of Old Soar Road. It has been significantly extended in the past by way of a two storey side/rear extension, a single storey rear extension and also a front porch. On the southern side of the building is a hardstanding which would accommodate parking for at least two cars. The area is wholly rural in character, with isolated groups of dwellings located amongst farm buildings and surrounded by open fields and woodland. The site forms part of the Old Soar and Allens Conservation Area and is located within the Metropolitan Green Belt.
4. The Council's approach towards development in the Green Belt is set out in Policy CP3 of its Core Strategy 2007 (CS) which refers to National Green Belt policy being applied to the area in which the appeal site forms part. In that respect, the National Planning Policy Framework (the Framework) sets out in paragraph 89, that the construction of new buildings are inappropriate within

the Green Belt subject to certain exceptions. One of these relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. There is no separate exception for ancillary outbuildings such as the appeal proposal but given its proximity to the main dwelling I consider that from a policy point of view it should be regarded as an extension or alteration to a building.

5. Neither the Council's policies nor the Framework define in numerical terms, what is meant by disproportionate and therefore a judgement needs to be made in each case. However, looking at the site history to date and noting the impact of the extensions which have been built, there is no doubt in my mind that the addition of a sizeable detached double garage, in addition to those existing extensions, would amount to a disproportionate addition above the size of the original Caterways Cottage. Accordingly, the proposal would amount to inappropriate development within the Green Belt and contrary to Policy CP3 of the CS and the Framework. In that context, the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Although I acknowledge that the garage would be well designed and in keeping with the rural character of the area and that of the existing cottage, that does not override the issue as to whether the extension would result in a disproportionate addition or not.
7. Turning to the effect on openness, the garage would not be particularly prominent when approaching from the south, but would be more so when approaching from the north and clearly visible in close proximity where it would have the visual impact of effectively increasing the extent of built frontage across the site by its width of over 5 metres. The height of the building would also be significant at over 4 metres to the ridge and the overall impact of the building would result in some loss of openness in the immediate locality, albeit to a limited extent. There would therefore be some moderate additional harm in that respect.

Other Considerations

8. Because of its inclusion within the Conservation Area, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The Council has raised no objections in that respect and having regard to the well conceived design of the proposed garage which as noted above is appropriate to its rural location, I am also satisfied that the character of the Conservation Area would be preserved.
9. The Framework makes it clear that very special circumstances will not exist unless the potential harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In that respect, the appellant suggests that he could remove an outbuilding at the rear of the site to compensate for the additional garage. However, I agree with the Council that the proposed garage would be far more prominent than the outbuilding is, which is currently at the rear of the site, and I therefore attach little weight to that proposal as a means to mitigate the harm. The appellant also suggests that it would be better for cars to be removed from view and parked in the

garage rather than being visible on the existing parking area. However the parking of cars is somewhat more transitory compared to a permanent building, and in any event I note that the forecourt area in front of the garage could still accommodate the parking of reasonably sized vehicles. There is no guarantee therefore that vehicles would be parked in the garage and hidden from view.

Overall balance and conclusion

10. The proposed extension would amount to inappropriate development which the Framework makes clear is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there would also be limited harm arising from the loss of existing openness. For the reasons set out, the other considerations raised, do not clearly outweigh the totality of harm, which is necessary for the development to be acceptable. Consequently the very special circumstances needed to justify the proposal do not exist.
11. Accordingly, for the reasons and policies referred to above, the appeal should be dismissed.

Kim Bennett

INSPECTOR