

Appeal Decision

Site visit made on 14 November 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 22 November 2016

Appeal Ref: APP/G2245/D/16/3157406

Hillcourt, Bough Beech Road, Four Elms, Kent, TN8 6ND

- 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 David Haworth against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01866/HOUSE, dated 17 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is a 3 bay oak framed garage and log store to replace existing dilapidated prefab concrete garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are four:
 - Whether the proposal would be inappropriate development in the Green Belt.
 - The effect of the proposal on
 - the openness of the Green Belt
 - trees.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The proposal would be within the Green Belt. The National Planning Policy Framework (NPPF) advises that the construction of new buildings is inappropriate within the Green Belt, with certain exceptions. These include extensions to a building but, despite the Council's officer report to the contrary, the proposal would be sited just too far away from Hillcourt to be regarded as an extension. Exceptions also include the replacement of a building, provided the new building would be in the same use and not materially larger than the one it replaces. The proposal would replace an oil tank and an existing
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concrete garage building but would have a footprint of just over 49 sq m, about four times that of the existing garage or about three times that of the existing garage and oil tank. It would fall into neither exception and so I conclude that the proposal would be inappropriate development in the Green Belt.

4. The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I examine these in turn.

Openness

5. The openness of the Green Belt has two characteristics; an absence of physical development and also a visual perception of openness. As already mentioned, the footprint of the proposal would be a little over 49 sq m, an increase of about 33 sq m. By comparison, Hillcourt itself has a footprint in the order of about 120 sq m, so the proposal would represent a large percentage increase in the physical presence of development on site.
6. Hillcourt is only one part of a building, now divided into separate occupancies but formerly a single establishment. Little Hill Court and Old Hill Court each have footprints in the order of about 120 sq m so, in relation to the total footprint on site, the increase represented by the proposal would be less than 10%. Although there is little opportunity for Old Hill Court to be provided with its own garage and so the proposal might be thought to be proportionate to the collective building, Little Hill Court already has its own double garage standing separately in the grounds on the approach to the building and so the proposal would add further to buildings which compromise the open, undeveloped nature of the approach to Hillcourt.
7. The second element of openness is visual. As its name suggests, Hillcourt stands in an elevated position. From its forecourt there is a fine view to the south-west. This is currently reduced by the existing garage and the dense evergreen hedge which surrounds it but the three-bay width of the proposed garage would interrupt the open view to a far greater extent.

Trees

8. The footprint of the proposed garage would come just within the canopy of a beech tree to the south west and also that of an oak tree to the north-west. I recognise the concerns of the Council's tree officer of the effects that foundation construction might have on root protection areas but the area concerned would be a relatively small percentage of the trees' root protection areas and so the proposal would be unlikely to present a major hazard to their health.
9. In any event, foundations can be constructed in ways which would minimise any damage. That could be required by condition. Neither tree is protected and so could be felled at any time but, as the evidence of the owner's tree planting activities shows, it is unlikely that wanton damage would be caused. I therefore conclude that the proposal would not necessarily give rise to unacceptable effects on trees. It would not conflict with the policy EN1 of the Council's Allocations and Development Management Plan (ADMP) adopted on

17 February 2015. This would permit development if, amongst other matters, it respects local character including trees.

Other considerations

10. I understand the need to provide safe storage for maintenance equipment and machinery needed for the upkeep of a site covering approximately 8 acres. I also understand that a large family and its visitors can generate considerable demand for parking space, though in practice it is commonplace for garages to be used for storage and for the greater convenience of open areas to be used for parking. I note that permission has been given for other garages nearby and that the Council's ADMP policy GB3 would permit outbuildings in the Green Belt if ancillary to the main building in terms of function and design and if not harming the openness of the Green Belt through excessive bulk or intrusion but I have found that the extent and position of this proposal would harm the openness of the Green Belt and so would not comply with this policy.
11. I conclude that there are insufficient other considerations which would clearly outweigh the harm to the Green Belt by reasons of inappropriateness in principle and openness in practice and so amount to the very special circumstances needed to justify the proposal. I therefore dismiss the appeal.

P. W. Clark

Inspector