

Appeal Decision

Site visit made on 15 December 2016

by Timothy C King BA (Hons) MRTPI

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

Decision date: 4 January 2017

Appeal Ref: APP/G2245/D/16/3160392

The Oast, New House Farm, Station Road, Hever, TN8 7ER

- 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 & Mrs L Hart against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01591/HOUSE, dated 26 May 2016 was refused by notice dated 28 July 2016.
 - The development proposed is '*Demolition of existing garage and two additional outbuildings, erection of replacement garage/outbuilding with associated works.*'
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and two additional outbuildings and erection of a replacement garage/outbuilding with associated works at The Oast, New House Farm, Station Road, Hever, TN8 7ER, in accordance with the terms of the application Ref SE/16/01591/HOUSE, dated 26 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. L.H.1, L.H.2, L.J.Hart Rev B, Hart L 01/01, Illustrative Elevation and PL01.

Main Issues

2. The site lies within both the Metropolitan Green Belt and also the High Weald Area of Outstanding Natural Beauty (AONB). The Council does not consider that the proposal would impact on either the AONB or the setting of 'The Oast', the statutorily listed building whose substantial curtilage the proposed building would sit within. I agree with this approach and in light of this the main issues in this appeal are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the openness of the Green Belt, and whether the proposal would result in any other harm; and
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- iii) if it is inappropriate development whether the harm by reason of inappropriateness and by reason of 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

3. The appeal proposal would involve the demolition of an existing, modest, wooden garage and also two sheds which lie adjacent to this, and its replacement with a new garage/outbuilding. The replacement building, which would be weather-boarded with a tiled, dual pitched roof, would be sited at right angles to the existing building's footprint. It would be to an identical depth, some 0.3m higher, but with a width over double that currently in situ.
4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. All development is inappropriate unless, in the case of any new building constructed, it falls within one of the exceptions referred to in paragraph 89 of the Framework. This includes the replacement of a building, providing that the new building is in the same use and not materially larger than the one it replaces.
5. The Council considers that the proposed building, although ancillary to the site's residential use, would be materially larger than that which exists and, on the basis of the illustrated dimensional increases, particularly the intended width, I agree with the Council's assessment. On this main issue I thereby conclude that the proposal would constitute inappropriate development within the Green Belt for the purposes of the Framework.

The effect of the proposal on the openness of the Green Belt

6. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. Policy GB3 of the Council's Allocations and Development Management Plan (DMP) indicates that outbuildings within the curtilage of a dwelling should be ancillary to the main dwelling and not materially harm the openness of the Green Belt through excessive bulk or intrusion. Further advice is provided through the Council's Supplementary Planning Document 'Residential Extensions' (SPD) which says, amongst other things in paragraph 3.24, that the total gross floor area of any outbuilding within the Green Belt, whether individually or cumulatively, must not exceed 40 sqm.
7. In this particular instance both main parties are in agreement that the proposed building would measure some 48 sqm and, as such, the proposal fails this criterion. Similar to my findings on the first main issue I consider that the proposed footprint enlargement would impact on the openness of the Green Belt.
8. Accordingly, I conclude that the proposed outbuilding would be potentially harmful to the Green Belt's openness, thereby conflicting with the aims of DMP Policy GB3, the Council's SPD and advice within the Framework. Nonetheless, I

agree with the Council's assessment that no other harm would result from the development.

Very special circumstances

9. The Council's case report provides figures relating to the respective floorspaces of the buildings that would be demolished to make way for the proposed new building. Again, these are not in dispute and the existing garage along with the two smaller structures would total approximately 35 sqm. In terms of floorspace the proposal would thereby equate to a net increase of only 13 sqm which is considerably less than the 40 sqm threshold put forward in the Council's SPD.
10. Further, paragraph 5.31 of the Council's Supplementary Planning Document 'Development in the Green Belt' acknowledges that clusters of buildings have a particular intrusive impact on Green Belt openness. I consider that this is a case in point, where consolidation by the removal of the three existing buildings would represent an improvement on what currently appears as a somewhat cluttered and disparate arrangement.
11. Although the proposed building would be higher than the existing garage, it would be sited close to a significantly larger building beyond the site's boundary to the west and in this contextual setting I am satisfied that the additional height of 0.3m would be mitigated by the benefits arising from the resultant single structure.
12. On the above basis I find that the very special circumstances necessary to outweigh the potential harm to the Green Belt exist and have been demonstrated.

Conclusion

13. Although I have found the proposal to represent inappropriate development within the Green Belt and also potentially harmful to its openness I consider that very special circumstances exist to outweigh the harm and justify the development. As such, for the above reasons, and having had regard to all matters raised, the appeal succeeds. As regards conditions, apart from the statutory time limit, in the interests of certainty I impose a condition requiring that the development be implemented in accordance with the approved plans.

Timothy C King

INSPECTOR