
Appeal Decision

Site visit made on 19 December 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 4 January 2017

Appeal Ref: APP/H2265/D/16/3163425

The Cross, The Street, Mereworth, Maidstone ME18 5LS

- 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 Tony Pallant against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/02631/FL, dated 30 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is the erection of a car port.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a car port at The Cross, The Street, Mereworth, Maidstone ME18 5LS in accordance with the terms of the application, Ref TM/16/02631/FL, dated 30 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2483-300 B, 2483-301 A, 2483-302 A and 2483-303 A.

Main Issues

2. These are;
 - Whether the proposal would be inappropriate development in the Green Belt
 - The effect of the proposal on the openness of the Green Belt
 - 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

3. The proposal would be within the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) advises that the construction of new buildings is inappropriate in the Green Belt. Exceptions include limited infilling in villages or limited infilling of previously developed sites.
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4. The site of the proposal is presently car parking spaces serving the dwelling. Accordingly, the proposal cannot be excluded from consideration as limited infilling of a previously developed site.
5. The site is outside the settlement boundary of Mereworth and outside its Conservation Area boundary. But these predate the construction of the office building from which the house has recently been converted. As experienced on site, the premises are clearly part of the settlement of Mereworth and so the proposal cannot be excluded from consideration as limited infilling within a village.
6. Whether regarded as infilling of a previously developed site or as infilling within a village, the proposal falls within one of the exceptions to policy defined in the NPPF and so I conclude that it would not be inappropriate development within the Green Belt. It would therefore comply with policy CP3 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy adopted on 25 September 2007. This provides that National Green Belt policy will be applied west of the A228.

Openness

7. A proposal may be not inappropriate development in the Green Belt yet may still affect its openness. In this case, the site is presently a large open area in front of the dwelling house, laid out as lawn and car parking. It is prominent because elevated above the dwelling house which is situated on land falling to the south. However, the courts have held¹ that where development is found to be not inappropriate in the Green Belt, it should not be regarded as harmful to its openness; the question of impact on openness is no longer an issue.

Conclusion

8. Because the proposal would cause no harm by reason of inappropriateness and there would be no other harm to be taken into consideration, there is no need for very special circumstances to outweigh that harm. Accordingly, I allow the appeal, subject to the conditions suggested by the Council which are necessary for legal reasons.

P. W. Clark

Inspector

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Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404