

Appeal Decision

Site visit made on 27 February 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/G2245/W/16/3163699

Land rear of Rosebank Cottage, Chafford Lane, Fordcombe, Tunbridge Wells, Kent TN3 0SH

- 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 and Mrs C J Harris against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01816/FUL, dated 16 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is the conversion of redundant horticultural building to a one bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
 - If the development would be inappropriate, 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

Background

3. The appeal site forms part of the existing spacious rear garden of Rosebank Cottage, which is also known as Rosebank House. There is an existing gated access to the rear of the site from an adjacent narrow lane that serves a number of other properties and is also a public footpath. The appeal building is a large timber shed with a felt roof, formerly used as an apple store, which now appears to be used for general storage associated with Rosebank Cottage. From my site visit, the shed appears to be in sound condition, of fairly light-weight construction, and sits on a concrete base slab. The shed was constructed in the late 1980s after a previous shed was destroyed in the storm of 1987.
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Whether the proposal is inappropriate development

4. The appeal site is situated in the Metropolitan Green Belt. Paragraph 90 of the National Planning Policy Framework (the Framework) sets out forms of development that are not inappropriate development in the Green Belt provided they preserve the openness and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. Bearing in mind that the existing building is essentially a modest shed, its permanence in this context is highly doubtful. Furthermore, the building is constructed principally of lightweight timber, finished with shiplap boarding, and a simple felt roof. In my judgement this does not constitute 'substantial construction' in Green Belt policy terms.
5. Policy GB7 of the adopted Sevenoaks District Council Allocations and Development Management Plan (ADMP) sets out the requirements for the re-use of a building within the Green Belt, including that the new use and any associated use of the land around the building should not have a materially greater impact than the present use on the openness of the Green Belt, and that the building should be permanent, of substantial construction, and capable of conversion without major or complete reconstruction that would detract from its original character. Additionally, Appendix 1 of the Council's adopted Supplementary Planning Document: Development in the Green Belt (SPD) provides guidance regarding the minimum information required to demonstrate that a building is structurally sound, capable of being converted without significant re-building, and can remain standing throughout the construction process, including a structural survey and construction method statement.
6. I note the appellants have provided a structural condition report. This is very short and contains limited details of the works required to carry out the conversion, but it confirms that the existing shed is in good condition. The works listed as necessary to make the building habitable and satisfy the Building Regulations include secondary insulation inside the frame, roof insulation and plaster-boarding, and the underpinning of the concrete slab. The underpinning would be required to provide the necessary structural support to facilitate the proposed re-use of the building. Such structural support would be fundamental to the residential re-use and accordingly I consider that the underpinning would constitute a major element of construction in this case. Therefore, on the evidence before me, I am not satisfied that the existing building is of sufficiently substantial construction to make it capable of conversion without major or complete re-construction.
7. I accept that there is no substantive evidence that the building could not remain standing during construction works. I also note that the required works would be principally concealed within the building or below ground, and that the external changes generally relate to some alterations to fenestration. This would be unlikely to detract significantly from the original character of the building. However, the key relevant test in Paragraph 90 and criterion b) of Policy GB7 is that of permanent and substantial construction.
8. I therefore conclude that the proposed development would be inappropriate development in the Green Belt. I attach substantial weight to the harm that would arise, by definition, from the inappropriate nature of the development.

Openness and Green Belt purposes

9. A fundamental aim of Green Belt policy, as set out in Paragraph 79 of the Framework, is to keep land permanently open. The existing building would not be extended or otherwise significantly altered externally and therefore the proposed conversion would have no greater impact than the existing building on the openness of the Green Belt. A modest residential curtilage would be provided around the building, taken from land that currently forms part of the area used as garden in association with Rosebank Cottage. While there may be a marginal increase in domestic accoutrements at the appeal site, this would not amount to a materially greater impact than the present use on the openness of the Green Belt or the character of the area. In this respect the proposal would accord with criterion a) of Policy GB7 and the Framework.
10. Notwithstanding, the development would result in an additional dwelling in the Green Belt, intensifying the residential use. While the building would maintain its relationship with nearby properties in the ribbon of development along Chafford Lane, the use would introduce a more urban character to the site. While the effects of this would be limited, the proposal would result in a degree of conflict with the purposes of the Green Belt set out in Paragraph 80 of the Framework. Specifically because there would be some additional encroachment into the countryside within the Green Belt, arising from the creation of an additional dwelling in this location.

Other considerations

11. The proposal would result in the provision of an additional small dwelling, which would have modest associated social and economic benefits. Furthermore, given the degree of separation between the site and nearby properties the new dwelling could be provided without significant effects on the living conditions of neighbouring residents. There would also no significant effects on biodiversity or agriculture. I also note that there is general support from the government for the re-use of buildings.
12. The site lies within the High Weald Area of Outstanding Natural Beauty (AONB), where great weight should be given to conserving the landscape and scenic beauty. Given the unobtrusive nature of the proposal it would have a neutral effect, thus preserving the landscape character of the AONB.

Conclusion

13. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Harm to the Green Belt therefore remains, even though I have not identified further harm to openness. In addition there would be some adverse impact on the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I give a little weight to the contribution that the proposal would make to housing provision, supporting local services, and the re-use of a building. However, this is not sufficient to outweigh the substantial weight given to the harm to the Green Belt. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

14. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR