

Appeal Decision

Site visit made on 17 February 2017

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 9th March 2017

Appeal Ref: APP/G2245/D/16/3162201

2 New Barns Farm Cottages, Telston Lane, Otford, Sevenoaks TN14 5JZ

- 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 Goff against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01826/HOUSE, dated 30 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is described as a first floor extension to the front elevation on timber supports to allow the provision of a larger bedroom.
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Decision

1. The appeal is allowed and planning permission granted for a first floor extension to the front elevation on timber supports to allow the provision of a larger bedroom at 2 New Barns Farm Cottages, Telston Lane, Otford, Sevenoaks TN14 5JZ in accordance with the terms of the application, Ref SE/16/01826/HOUSE, dated 30 June 2016, subject to the conditions set out in the schedule attached.

Procedural Matter

2. An earlier proposal for a first floor extension to the front elevation of the appeal property was the subject of an appeal that was dismissed in May 2015 (ref: APP/G2245/D/15/3004477). That decision is a matter to which I attach significant weight.

Main Issues

3. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development for the purposes of section 9 of the National Planning Policy Framework (2012) (the Framework) and development plan policy;
 - (ii) the effect of the proposal on the openness of the Green Belt; and
 - (iii) if it is 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 the development.
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Reasons

Whether the proposal would be inappropriate development

4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are identified including proposals comprising 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.
5. Policy GB1 of the Sevenoaks District Council Allocations and Development Management Plan (ADMP) (2015) indicates that extensions to dwellings in the Green Belt would be considered not inappropriate by the Council where the total floor space of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the original dwelling.
6. The appeal property is a 2-storey semi-detached house that forms part of a group of houses within open agricultural land. It has been substantially extended to the side and rear. The proposal would comprise a first floor level extension above the porch at the front of the property to increase the size of a bedroom. Whilst in itself this would be a modest addition, it would result in a dwelling that is about 90% larger than the original house. I therefore concur with my colleague that the increase in floor area resulting from the proposal, combined with the substantial earlier additions, would result in disproportionate additions over and above the size of the original building. The proposal is therefore contrary to paragraph 89 of the Framework and ADMP Policy GB1. It would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

7. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
8. The proposal would increase the overall volume, bulk and amount of development on the site. However, I concur with my colleague's view that due to its very modest size the proposal would have a negligible effect on the openness of the Green Belt.

Other considerations

9. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
10. In February 2016 a decision notice was issued by the Council confirming that prior approval was not required for development at the appeal property comprising the erection of a single storey rear extension extending 6m beyond the rear wall of the original dwelling house (SE/16/00025/PAE). This would double the size of the single-storey element at the rear of the house, adding over 20sqm of floor area to provide a bedroom with an en-suite.

11. The appellant has stated that the preference is to carry out the appeal proposal, which would provide a large bedroom for an elderly relative, as opposed to creating the ground floor level bedroom via the prior approval scheme. To this end the appellant has provided the Council with a Unilateral Undertaking that would ensure the prior approval scheme could not be carried out were this appeal to be allowed.
12. Whilst I am sceptical that the prior approval scheme would be carried out were this appeal to be dismissed I accept that the possibility of this occurring is greater than theoretical. I therefore view the prior approval scheme as a fallback position that must be accorded significant weight.

Green Belt balancing exercise

13. The proposal would be inappropriate development that is, by definition, harmful to the Green Belt. However the prior approval scheme would have a far greater impact on the openness of the Green Belt and on the appearance of the host property than the appeal proposal. In these particular circumstances, where the proposal is clearly less harmful than the fallback scheme, the other considerations clearly outweigh the harm to the Green Belt which I have identified in respect of the proposal's inappropriateness. Very special circumstances to justify inappropriate development therefore exist.

Conditions

14. I have considered the conditions suggested by the Council having regard to paragraph 206 of the National Planning Policy Framework and Planning Practice Guidance. I have adjusted their wording where necessary in the interests of clarity. In addition to the standard time limit condition I consider a materials condition is required to safeguard the character and appearance of the property. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be carried out in accordance with the approved plans is imposed.
15. As the appeal property is in the Green Belt and has been substantially extended in the past I consider that particular circumstances exist to justify the removal of permitted development rights. I am conscious that the removal of such rights would only have effect if the appeal proposal is carried out. As such a condition is imposed requiring the removal of any outbuildings erected between the date of this decision and the commencement of the proposal.

Conclusion

16. For these reasons, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR

SCHEDULE OF 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: 14/1224/21 and 14/1224/22
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building, structure or alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the Order, shall be erected or made within the curtilage of the appeal property without the prior approval in writing of the local planning authority.
- 5) No development shall commence until any outbuildings constructed within the appeal site between the date of this decision and the commencement of the development hereby permitted, have been demolished and all resulting materials have been removed from the land.