

Appeal Decision

Site visit made on 5 May 2017

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/G2245/D/17/3166719

Morants Court Farm, Sundridge Road, Dunton Green, Sevenoaks TN14 6HB

- 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 Joe Daniels against the decision of Sevenoaks District Council.
 - The application Ref SE/16/02871/HOUSE, dated 19 September 2016, was refused by notice dated 7 December 2016.
 - The development proposed is described as an “attached two storey self contained annexe to side”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the proposal would include bedrooms, a kitchen/living area and a bathroom making it capable of occupation as a self-contained dwelling, the plans show it connected internally to the existing house and the appellant has advised that both existing and proposed accommodation would be occupied by the same family. As such I have considered the appeal on the basis that the proposal would be an extension to the existing house as opposed to a separate independent dwelling.

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;
 - (iii) the effect of the proposal on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB); 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. Part (c) of Policy GB1 of the Sevenoaks District Council Allocations and Development Management Plan (ADMP) (2015) indicates that the Council would not consider extensions to dwellings in the Green Belt to be inappropriate development where an applicant provides clear evidence that 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 including outbuildings within 5m of the existing dwelling. No such evidence has been provided.
6. The appeal property is a 2-storey detached farm house with an attached outbuilding to the rear, a shed to the side and further substantial sheds and structures nearby. Whilst the proposal would require the removal of one of the sheds, and in the absence of evidence to satisfy part (c) of ADMP Policy GB1, I therefore conclude that the increase in floor area resulting from the proposal, combined with the earlier addition, and having regard to the other nearby outbuildings, 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 reducing, and therefore causing harm to, the openness of the Green Belt. The proposal therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Character and appearance

9. The appeal property is located close to the M25 and forms part of a cluster of farm buildings, some of which are of substantial size. Given the developed nature of its immediate context I am satisfied that the proposal would not have an unacceptable effect on the character and appearance of the Kent Downs AONB. For these reasons I conclude that the proposal complies with the aims of ADMP Policies EN1 and EN5, and Policies LO8 and SP1 of the Council's Core Strategy (2011). This does not however outweigh the harm identified above.

Other considerations

10. 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.
11. I recognise the appellant's personal circumstances and desire to live in an annexe at the family home. However there is no evidence before me to demonstrate that the scale of development proposed is necessary to meet the appellant's needs, particularly given the house is relatively large. As such I attribute limited weight to the appellant's circumstances.

Green Belt balancing exercise

12. The other considerations do not amount to matters that clearly outweigh the substantial harm to the Green Belt which I have identified in respect of the proposal's inappropriateness and effect on openness. Very special circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and the aims of ADMP Policy GB1.
13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR