
Appeal Decision

Site visit made on 15 May 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 1 June 2017

Appeal Ref: APP/T2215/W/17/3168874

Colt Lodge, 9 New Barn Road, Southfleet DA3 7LQ

- 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 Minda Bains against the decision of Dartford Borough Council.
 - The application Ref DA/16/01631/FUL, dated 11 October 2016, was refused by notice dated 3 January 2017.
 - The development proposed is demolition of existing dwelling and erection of a detached replacement dwelling.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would be inappropriate development in the Green Belt, and if so, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The roughly triangular-shaped appeal site, which includes the appeal dwelling and some outbuildings, is within the Metropolitan Green Belt. There are mainly detached dwellings in moderate-sized gardens to roughly south and south west and open fields to roughly north and west.
4. Policy CS 13 of the *Dartford Core Strategy* (CS) aims to resist inappropriate development, in order to protect the openness of the Green Belt. Policy S4 of *The Borough of Dartford Local Plan* (LP) states that there is a presumption against development in the Metropolitan Green Belt and it aims to protect the countryside. These policies largely reflect national policy in Planning Policy Guidance 2: *Green Belts*, which has since been revoked and replaced by the *National Planning Policy Framework* (Framework). Policy DP22 in the emerging *Dartford Development Policies Plan* (ELP) aims to resist inappropriate development in the Green Belt in accordance with the Framework. As the Council intends to modify ELP Policy DP22 to make it more compliant with the Framework following examination hearings, it attracts fairly little weight.
5. The Framework explains that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of

- Green Belts are their openness and their permanence. The Framework also says that substantial weight should be given to any harm to the Green Belt.
6. Framework paragraph 89 explains that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
 7. The roughly L-plan existing dwelling, which includes an extended former agricultural building, is close to the west boundary of the site. The existing outbuildings include a shed near the dwelling to roughly south, a hut towards the south east boundary and a garage close to the south east boundary. All of these existing single-storey structures would be replaced by the proposed 2-storey dwelling, which would be sited towards the centre of the site.
 8. From the appellant's calculations, the footprint of the existing dwelling is about 265 m² and its volume is about 998 m³. The footprint of the proposed dwelling would be about 219 m² and its volume would be about 1320 m³.
 9. The Council's records show that the volume of the original dwelling was about 590 m³. Following a number of approved extensions, when an application made in 2007 for a replacement dwelling was refused, the volume of the existing dwelling was 767 m³. So, by then, the volume of the original dwelling had already been extended by about 30%. As permitted development rights had previously been restricted by condition and the Council has not approved any extensions since, the reasons for the increase in volume to about 998 m³ for the present dwelling is unclear. Be that as it may, the Council says that the volume of the proposed dwelling would be about 124% larger than the original dwelling. Thus, its volume would exceed the limit to expansion of no more than 30% of the volume of the original dwelling sought by ELP Policy DP22.
 10. Turning to the Framework paragraph 89, bullet point four, the existing and proposed dwellings would be in the same use. The Council's calculations show that the total floor area of the 2 floors in the proposed dwelling would be about 70% larger than the floor area of the existing dwelling, and that the maximum height of the proposed dwelling would be about 70% taller than that of the existing dwelling. So, although the footprint of the proposed dwelling would be smaller, and the increase in its volume of about 30% could be acceptable, these factors taken together with the much increased floor area and height would make the proposed dwelling materially larger than the existing dwelling. Thus, the proposal would also be contrary to the exception in the fourth bullet point of Framework paragraph 89 because the new building in the same use would be materially larger than the one it replaces.
 11. Because the proposed dwelling would be materially larger than the original dwelling and materially larger than the existing building that it would replace, the proposal would be inappropriate development. It would be contrary to CS Policy CS 13, LP Policy S4, ELP Policy DP22 and the Framework.
 12. With regard to Framework paragraph 89, bullet point 6, because the site is a private residential garden that is not in a built-up area, the proposal would fall

to be considered as the partial or complete redevelopment of a previously developed site. So, Green Belt openness and purposes are also relevant.

13. As the proposed dwelling would be closer to existing development in New Barn Road and Studley Crescent than the existing dwelling, and the site would not extend into the countryside, including the appellant's paddock to the west, the proposal would safeguard the countryside from encroachment. As the 4 other Green Belt purposes are not relevant, the proposal would not have a greater impact on the purposes of including land within the Green Belt than the existing development.
14. The appellant's calculations show that the footprint of the proposed dwelling would be smaller than that of the existing dwelling, shed, hut and garage. By contrast, the extent of the hard surfaced areas, including 4 car parking spaces and paving by the drive and the dwelling, would be increased. So, overall, the developed area would be about the same as the difference between the existing and proposed footprints plus the existing drive and hard-standings.
15. The appellant's calculations also show that there would be about 20 m³ less volume of development overall. Instead of the low pitched roofed single-storey structures spread about the site, the proposed dwelling would be in one place. The plan form of the proposed dwelling would be more compact, but there would be more bulk at first floor and above. Thus, due to its scale, bulk and massing, the proposed dwelling would have a more visually intrusive appearance than the existing development, but there would be greater openness in the rest of the site. So, in terms of Green Belt openness, the reduced volume and footprint of the proposed dwelling would be broadly equal to its greater visual impact at first floor and above.
16. However, there would be no provision within the envelope of the proposed dwelling for garaging cars, or for storing mowers, other garden equipment, cycles, garden furniture and other outdoor domestic paraphernalia. As the existing garage would be removed, the cars that would have been parked in it, which would have had no effect whilst in the garage, would harmfully intrude into the openness of the Green Belt when they are parked in the open at the site. Thus, the proposal would have a greater impact on Green Belt openness.
17. Moreover, even if permitted development rights for extensions and outbuildings were to be removed by condition, and the appellant may be content without them, the Council would be likely to come under pressure in future to allow garages and outbuildings, which it could find hard to resist. Such additional structures would harmfully increase the development at the site, and they would further erode the openness of the Green Belt, irrespective of whether or not the proposal would be seen from the public domain.
18. Because the proposal would have a greater impact on the openness of the Green Belt, it would not amount to an exception in accordance with the sixth bullet point of Framework paragraph 89. As the proposal would be for none of the other exceptions in Framework paragraphs 89 and 90, the proposal would be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.
19. Therefore, I consider that the proposal would cause substantial harm to the Green Belt by reason of inappropriateness. It would be contrary to CS Policy CS 13, LP Policy S4, ELP Policy DP22 and the Framework.

20. The Council has not raised concerns in its reasons for refusal about other planning matters, including nearby occupiers' privacy. I see no reason to disagree. Thus, the proposal would cause no other harm.
21. With regard to the other considerations that were raised by the appellant, the existing dwelling looks like a converted and extended agricultural shed, and the siting of the existing dwelling and outbuildings is sporadic. The character and appearance of some of them were found acceptable by the Council, and most have been fairly recently built or renovated. Even so, because the proposal would be more sympathetic to the character and appearance of its surroundings than the existing development, and its landscaping details could reasonably be controlled by condition, this would attract a little weight in favour. A little weight could also be afforded to the more up to date living accommodation in, and the potentially improved energy efficiency of, the proposal. However, as there would be no net increase in the number of dwellings, there would be no benefit to the supply of housing in the Borough.
22. Turning to the planning balance, the little weight afforded to the proposal's more sympathetic effect on its surroundings and the little weight due to its updated accommodation and potential energy efficiency would together be insufficient to clearly outweigh the substantial harm that the proposal would cause to the Green Belt by reason of inappropriateness. Therefore, the very special circumstances necessary to justify the proposal do not exist. The proposal would be contrary to CS Policy CS 13, LP Policy S4, ELP Policy DP22 and the Framework.
23. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR