

Appeal Decision

Site visit made on 3 May, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 6th June, 2017

Appeal Ref: APP/G2245/W/17/3166647

Beggars Barn, Chapel Wood Road, Ash, DA3 8HB

- 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. Ken Gadsdon against the decision of Sevenoaks District Council.
 - The application Ref: SE/16/02014/FUL dated 30 June, 2016 was refused by notice dated 23 September, 2016.
 - The development proposed is demolition of existing dwelling and associated outbuildings and replacement with new dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr. Ken Gadsdon against Sevenoaks District Council. This application is the subject of a separate Decision.

Main Issues

3. The site falls within the Green Belt, and accordingly the main issues are:
 - a) whether the development would constitute inappropriate development in the Green Belt;
 - b) its effect on the openness of the Green Belt and the purposes of including land in it; and
 - c) 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 needed to justify it.

Reasons

Whether the development would constitute inappropriate development

4. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate development in the Green Belt. These categories include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy GB4 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (the ADMP) provides a local interpretation of what constitutes a materially larger building, and states
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that the gross floor area of a replacement dwelling can be up to 50% greater than the floor area of the original dwelling.

5. The existing building is a modest bungalow in a large plot and with a number of outhouses in the form of sheds, garages and a greenhouse. The appeal proposal would include the replacement of the main dwelling and removal of all of the outhouses. A previous appeal relating to the site has been put before me¹ in which the Inspector accepted that the reduction arising from the removal of these buildings should be considered within calculations of floorspace in relation to Policy GB4, and I can see no reason to depart from this approach.
6. There is no disagreement between the parties, based on the conclusions of the Inspector in the previous appeal that the original floorspace of the dwelling was between 116 m² and 122 m². However their measurements of the floorspace of the proposed dwelling differ. The appellant has provided internal floorspace figures. However, the Council's calculations of the external floorspace of the proposed building, as required by policy GB4, indicate that the increase would exceed the 50% limit, even taking into account the floorspaces of the garages and outhouses to be removed. The proposed dwelling would therefore fail to comply with policy GB4 of the ADMP and would constitute inappropriate development within the Green Belt.
7. The figure of 50.48% is the smallest potential increase in floorspace, but it could be as great as 58.26%, which is significantly greater than the limit. Evidence from the council relating to the original appearance of the dwelling indicates that, as the building has been extended, it is the higher figure which is likely to be the more accurate.
8. The Inspector in the previous appeal, taking into account the evidence put before her, concluded that the development was not inappropriate on the basis of a proposed increase in floorspace of less than 50%. I cannot therefore agree with the appellant that she had accepted an approach which accepted an increase of over 50%.
9. It is not clear from the evidence before me the basis on which proposed floorspace was calculated in the previous appeal, and I can draw no conclusions therefore as to whether the proposal in front of me now is in fact smaller or larger in floorspace than that previously considered. Nor, as a result, does the Inspector's conclusion in that appeal cause me to alter my conclusions on the basis of the evidence before me in relation to this one.

Effect on openness

10. The Inspector in the previous appeal decision concluded that consolidation of the built form in one area would have some minor benefit in improving openness, and I see no reason to disagree with this in principle. However, the expansive layout of the dwelling now proposed, with two projecting wings, would emphasise its increase in site coverage over the relatively compact existing building. The hard-surfaced courtyard area, and the more central location of the building which would reduce the garden area on three sides, with a large hard-surfaced area to the front, would combine to reduce the

¹ APP/G2245/W/15/3140969

openness around it. I conclude therefore that it would overall have some harm on openness.

11. I do not consider that the marginally higher ridge line would alone have a significant effect in increasing the apparent bulk of the appeal building, but when taken in combination with the drawn out and winged floor plan and with the degree in increase of floorspace, conclude that it would do so.
12. As the proposed development would therefore decrease the openness of the Green Belt it would also conflict with the fundamental aim of Green Belt policy set out in paragraph 79 of the Framework, which is to prevent urban sprawl by keeping land permanently open.

Conclusion

13. Paragraph 88 of the Framework advises that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. I have concluded that the proposal would be inappropriate development, and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposal would cause some harm to the openness of the Green Belt.
15. No argument of very special circumstances has been put forward, and I have identified none. I conclude therefore that the very special circumstances necessary to justify the development do not exist.
16. For these reasons therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR