

Appeal Decision

Site visit made on **12 June 2017**

by Clive Tokley MRTPI

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

Decision date: 10 July 2017

Appeal Ref: APP/G2245/D/17/3173786

High Chart, Goodley Stock Road, Crockham Hill, Edenbridge, TN8 6TA.

- 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 Christopher Preston against the decision of Sevenoaks District Council.
 - The application Ref SE/17/00116/HOUSE dated 13 January 2017 was refused by notice dated 15 March 2017.
 - The development proposed is a single garage extension to existing double garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single garage extension to existing double garage at High Chart, Goodley Stock Road, Crockham Hill, Edenbridge, TN8 6TA. The permission is in accordance with the terms of the application Ref SE/17/00116/HOUSE dated 13 January 2017 subject to the following 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: S14173/LP1 rev A, S14173/BP1 rev A, S14173/01 and S14173/02
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:-
 - a. Whether the proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework).
 - b. The effect of the proposal on the openness of the Green Belt.
 - c. The effect of the proposal on the Kent Downs Area of Outstanding Natural Beauty (AONB).
 - d. If the proposal is inappropriate development whether there are any other considerations that clearly outweigh the harm to the Green Belt due to
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inappropriateness and any other harm and whether very special circumstances exist to justify the development.

Reasons

Inappropriate development

3. The Framework indicates that within Green Belts inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The Framework indicates that within Green Belts the construction of new buildings is normally inappropriate development; however in Paragraph 89 it identifies a range of developments which may not be inappropriate.
4. These exceptions include the extension or alteration of a building; provided that it does not result in disproportionate additions over and above the size of original building. The Framework does not define the term "disproportionate"; however guidance may be found in the development plan.
5. The Council's *Allocations and Development Management Plan 2015* (ADMP) post-dates the Framework. Policy GB3 concerns *Residential Outbuildings in the Green Belt* and is therefore of specific relevance to the appeal proposal. When considering proposals affecting outbuildings located more than 5m from the host dwelling (which is the case at High Chart) Policy GB3 indicates that two judgements must be made. Firstly whether the proposal would result in the building being (or remaining) ancillary to the main dwelling as regards its function and design and secondly; whether the proposal would materially harm the openness of the Green Belt through excessive bulk or visual intrusion. In each case the policy indicates that decision taker should have regard to the cumulative impact of other outbuildings and extensions within the curtilage of the dwelling.
6. The Council's Supplementary Planning Document *Development in the Green Belt* (Adopted in 2015) (SPD) offers guidance on the interpretation of the ADMP policies. The SPD indicates that where outbuildings are more than 5m from the dwelling they may be permitted in addition to the allowances under Policy GB1 (which indicates a limit to the extension of the original dwelling of 50%). The SPD indicates (in line with Policy GB3) that this is subject to the design and cumulative impact of the proposal not being materially harmful to the openness of the Green Belt through excessive bulk or visual intrusion. In order to minimise the impact of outbuildings on openness the SPD indicates a "cap" of 40 sq m on the size of any individual outbuilding.
7. High Chart is one of a small number of dwellings occupying large plots in wooded countryside. The dwelling has a wide frontage and the main two-storey part of the house has been supplemented by a single-storey conservatory at the rear. The plot is screened by high hedges and fences which enable only narrow glimpses of the house through the front drive entrance.
8. The detached double garage is built to a simple design on a square plan with a pyramid roof. The proposal would increase the floor area of the garage by just under 50% resulting in three garage doors facing the dwelling; however as regards scale, appearance and function the resultant building would appear

subservient to the dwelling and would retain the characteristics of an ancillary building.

9. The Council indicates concern about the cumulative effect of extensions on openness and this is reflected in the second judgement to be made within Policy GB3 which concerns visual intrusion and "openness". The proposal would be seen from within the garden of High Chart but as a result of its design and appearance it would not be visually intrusive. As a result of the wooded character of the area and the boundary fences and vegetation the proposal would not be readily visible from outside the appeal site.
10. I have noted the planning history of High Chart including the first floor extension the subject of the 2011 appeal decision (ref APP/G2245/D/11/2163707) and the references within that decision to previous developments. Any above-ground development would to some extent diminish the openness of the Green Belt. However each proposal must be considered on its own merits. In isolation I find that the garage extension would not be disproportionate to the host building and I consider that in the context of the existing extended dwelling and garage the proposal would not offend against the openness of the Green Belt.
11. I also note the guidance in the SPD as regards the size of new outbuildings; however I consider that the impact of the proposal on openness would not be harmful and that in this instance there is no justification for imposing a cap on the floor area of the building.
12. I conclude that the proposal would not conflict with Policy GB3 and that it would not be inappropriate development in the Green Belt as defined by the Framework.

Openness

13. It is possible that development that is not inappropriate could nevertheless have an unacceptable effect on openness. However as I have indicated above the proposal would not unacceptably detract from the openness of the Green Belt.

Effect on the AONB

14. The design of the extension and the proposed materials are consistent with the host building and the dwelling. The site is well screened and the proposal would have no material effect on the AONB countryside.

Conditions

15. The Council seeks the imposition of a condition removing "permitted development" rights under Class E of Part 1 of the *Town and Country Planning (General Permitted Development) Order 1995 (as amended)* (GPDO). *Planning Practice Guidance* indicates that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. The GPDO makes no special provisions for land within Green Belts and I consider that there are no exceptional circumstances here that would justify the imposition of a condition as requested by the Council. Such a condition would be neither reasonable nor necessary.

16.I have imposed the usual conditions governing the commencement of development and identifying the approved drawings. In order to safeguard the character and appearance of the area I have also imposed a condition requiring matching materials.

Conclusion

17.I conclude that the proposal would not be inappropriate development in the Green Belt and would not detract from openness. I have not identified any harm that would arise from the proposal and taking account of all matters I have concluded that the appeal should succeed.

Clive Tokley

INSPECTOR