
Appeal Decision

Site visit made on 26 June 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 12th July 2017

Appeal Ref: APP/G2245/W/17/3172084

The Woodyard, How Green Lane, Hever TN8 7NN

- 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 Andrew St. Pierre against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03151/FUL, dated 19 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is demolition of existing store and erection of replacement workshop/store within existing storage yard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Building works have taken place at the appeal site. The Council indicate in their delegated report that the original building has recently been demolished and a new building constructed. I have no detailed information before me that would indicate that the structure I observed at my visit is the same in all respects as that illustrated within the proposed plans. I shall therefore consider the appeal as a standalone development which has not yet occurred.
3. Further to this, the description of development provided on the planning application form has been replaced by a different description on the Council's decision letter. The appellant has used the Council's description on their appeal form. As I am considering the proposal as a standalone development I have used the Council's description of proposed development here.

Main Issues

4. The appeal site is within the Greenbelt and so the main issues are: -
 - Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and,
 - If the development is 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 necessary to justify the development.

Reasons

5. The appeal building lies in the countryside and forms part of a complex of single storey structures and a taller pole barn relating to a construction company storage yard. The complex is sited within an open clearing within Ancient Woodland. The intention is to replace an existing building with a larger building.

Inappropriate development

6. The National Planning Policy Framework (the Framework) establishes that the replacement of a building within the Green Belt is inappropriate unless, amongst other things, the new building is in the same use and not materially larger than the one it replaces.
7. Policy GB9 of the Sevenoaks Allocations and Development Management Plan (SADMP) deals with the replacement of a non-residential building in the Green Belt. This provides guidance about the approach that the Council will take in considering such applications. The building to be replaced should be lawful and be permanent in nature. Providing the replacement building would be in the same use as the building to be demolished, part b) indicates that *"the design and volume of the proposed replacement building would not be materially larger than the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion"*.
8. The Council's Supplementary Planning Document on *Development in the Green Belt* reaffirms that in a Green Belt the volume, scale and bulk of a replacement building should not result in a large, bulky or intrusive building which would adversely impact on the character of the countryside or the openness of the Green Belt. It further advises that this test applies even if there are limited or no public views of the development.
9. There is a debate around the actual footprint and roof height of the original building and therefore there is dispute between parties as to the overall size of the original building. The Council has based their volume calculations of 239m³ on the 1978 planning drawings¹. The enlargement in height and length of the replacement building is calculated by the Council to be a 38% increase to that of the original building. However, the appellant argues that the building had a footprint of 66.2 m² rather than 65.75 m² as illustrated on the 1978 plans. This gave the original building a volume of 263.8 m³. As such, the appellant puts forward that the actual uplift in volume would be 25%.
10. However, the dispute between parties over the volume of the original building is not crucial to my determination of this appeal. Taking the appellant's case, the proposed replacement buildings, at 263.8m³, would be 25% larger than the existing building, this cannot reasonably be considered to be anything other than materially larger. Consequently, the proposed scheme does not fall within the fourth bullet point exception of paragraph 89 as it would be 'materially' larger than the one it replaces and that is the test that the Framework sets.
11. In not complying with the exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in

¹ Planning Ref SE/78/00698

considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal does not comply with Policy GB9 of the SADMP as the volume of the proposed replacement building would be materially larger than the original building.

Openness and character and appearance

12. The bulk of building would be increased by the additional built development proposed. A larger building in this location would impact on the purpose of safeguarding the countryside from encroachment. The incremental enlargement of built development in this location would have a small but negative effect on the openness of the Green Belt. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. Consequently, there would be a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.
13. The Council accepts that the proposal would respect the siting of the footprint of the original building and that the visual impact of the proposed building would not be widespread due to its secluded location within woodland. Therefore, the visual impact of the proposal would be limited.

Other Considerations

14. The proposed development would not impact upon the Ancient Woodland and would not give rise to highway safety concerns. Furthermore, the proposal would not harm the living conditions of occupiers of residential properties. These are attributes weighing in favour of the scheme.
15. In support of this proposal the appellant has made reference to Policy GB4 of the SADMP relating to replacement dwellings. This policy is specific in that it relates to replacement dwellings which is not the case here. I find that policy to have no relevance to this case and I give it little weight.

Conclusions

16. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework. The scheme would result in some harm, albeit limited, to the openness of the area. Whilst the replacement building would have a limited visual impact upon the character and appearance of the area, this, alongside the other considerations, does not clearly outweigh the harm which is the test that they have to meet. The proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
17. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. The proposed development would conflict with Policy GB4 of the SADMP, and the advice in the Framework. Therefore, for the reasons given I conclude that the appeal should fail.

Nicola Davies

INSPECTOR