
Appeal Decision

Site visit made on 11 July 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 18 July 2017

Appeal Ref: APP/G2245/W/17/3172705

Little Scudders, Scudders Hill, Fawkham DA3 8PA

- 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 R Hawkins against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03650/FUL, dated 28 November 2016, was refused by notice dated 28 February 2017.
 - The development proposed is conversion of existing building to a single dwellinghouse including single storey extension, replacement entrance gates and associated landscaping.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether or not there are other considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt and forms part of the wider grounds of Little Scudders, a detached residential dwelling. It comprises an L-shaped, single storey stable building, built in the 1990's, an area of hard standing to the front of this and areas of grassland, including a paddock. It also comprises a track and part of an access way leading from Scudders Hill which also serves Keltdown Mushroom Farm. The proposal seeks to extend the stable building and to convert it to a single dwellinghouse.
4. Paragraphs 89 and 90 of the National Planning Policy Framework (the Framework) set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The third bullet point of Paragraph 89 of the Framework sets out that the extension or

alteration of a building is not inappropriate, provided the extensions or alterations do not result in disproportionate additions over and above the size of the original building. The fourth bullet point of Paragraph 90 of the Framework sets out that the reuse of buildings, provided that they are of a permanent and substantial construction, is not inappropriate, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5. The proposed extension, according to the evidence, would increase the floor area of the existing stable building by approximately 90 percent (%). Such an increase would be significant. This would also inevitably result in a significant increase in the overall volume of the stable building. Thus, the proposed extension would result in a disproportionate addition over and above the size of the original building.
6. I note that the stable building has a shallow pitched roof which overhangs its front façade. However, as it is cantilevered and not supported from the ground, I do not consider that it can reasonably be said to form part of the footprint of the stable building. For the same reason, the space below this element does not form part of its volume. Moreover, even if I was to consider this element as part of the footprint of the stable building, the proposed extension would still represent an increase in this regard of approximately 50%. Such an increase would be substantial and would still in my view, be a disproportionate addition over and above the size of the original building.
7. The increase in floor area and volume of the stable building as a result of the proposed extension, would inevitably reduce the openness of the Green Belt. This is notwithstanding that the stable building is visually well contained within the appeal site. On this basis, whilst the stable building is of a permanent and substantial construction, its reuse, as proposed, would fail to preserve the openness of the Green Belt.
8. Whilst I acknowledge that there would be no harm to the character and appearance of the area, this matter is not a consideration in relation to inappropriateness as set out in Paragraphs 89 and 90 of the Framework.
9. Consequently, the proposal would not comply with the listed exceptions as set out in Paragraphs 89 and 90 of the Framework, including in respect of the extension or alteration of, or reuse of a building in the Green Belt. The proposal would therefore 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 considering a planning application substantial weight should be given to any harm to the Green Belt.
10. The proposal would also be contrary to Policies GB7- Re-use of a Building Within the Green Belt and GB8- Limited Extensions to Non-Residential Buildings within the Green Belt, of the Sevenoaks District Council Allocations and Development Management Plan 2015. These policies require, amongst other things, the re-use of a building, with any associated use of land surrounding the building, to not have a materially greater impact than the present use on the openness of the Green Belt and for extensions to be proportional and subservient to original building and not to materially harm openness.

The effect of the proposal on the openness of the Green Belt

11. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. As set out above, the proposal would have a detrimental effect on the openness of the Green Belt given that it would result in a significant increase in the overall floor area and volume of the original building. This would materially impact upon the openness of the Green Belt, which would be contrary to the aims of Paragraph 79 of the Framework.

Other considerations

12. The appellant indicates that the proposal would allow himself and his wife to move into the stable building to provide childcare for their daughter who is on benefits, and who, along with her quadruplets, would move into the main house. Nevertheless, the need for childcare would be likely to be temporary whilst the converted and extended stable building would stand in perpetuity. Moreover, the appellant has demonstrated on the submitted plans that the stable building could be converted into a one bedroom dwelling without the need to extend it. It is unclear from the evidence why such a dwelling would not be adequate to accommodate the appellant and his wife. Thus, I afford these matters limited weight.
13. I recognise that the reuse of the stable building and proposed energy efficiency measures would contribute to a transition to a low carbon economy. However, in the wider scheme of things, any benefit in this regard would be limited.
14. Whilst the Council's pre-application advice may have indicated that the proposal would be acceptable in Green Belt terms, this is informal advice and does not prejudice the Council's decision on a subsequent planning application. In any event, it falls to me to assess the merits of the proposal.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt.
16. As explained above, I only afford limited weight to the other considerations cited in support of the proposal and conclude that, taken together, they would not outweigh the harm to the Green Belt that would arise as a result of the proposal. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR