



Appeal Decision

Site visit made on 18 July 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/H2265/W/17/3173240

Great Oaks House, Puttenden Road, Shipbourne, Tonbridge TN11 9RX

- 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 Mrs Elizabeth Ann Cohen against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/15/03865/FL, dated 26 November 2015, was refused by notice dated 20 December 2016.
 - The development proposed is the conversion of existing stable and hay barn into dwellinghouse, including new roof and walling to hay barn, with associated creation of domestic curtilage and access and parking facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's given names were not provided on the application form but are on the appeal form and so I have included them above.
3. The description of development given on the application form was for the conversion of buildings, as set out above. The description has been revised on the appeal form to the 'demolition of existing stable block and hay barn building and redevelopment of site with a detached dwelling house'. This revised description better reflects the proposal, which relates to the demolition and redevelopment, and I note that the Council determined the application giving a similarly revised description on its decision notice. Accordingly, I have considered the appeal on the same basis.
4. The site lies in the Green Belt but there is general agreement between the parties that the proposed development would not constitute inappropriate development in Green Belt terms. Paragraph 89 of the National Planning Policy Framework (the Framework), which has superseded PPG2, provides for the partial or complete redevelopment of previously developed sites that would not have a greater impact on the openness of the Green Belt. The site, including the existing buildings, is confirmed by way of a Lawful Development Certificate to form part of the garden of Great Oaks House and fits the definition¹ of previously developed land given in the Framework. Taken in the round, the effect of the replacement building on the openness and purposes of the Green Belt would be about the same as the existing development. I therefore see no compelling reason, on the evidence before me and on the basis of the plans

¹ Annex 2: Glossary – National Planning Policy Framework

submitted during the course of the application, to conclude differently in Green Belt terms only.

Main Issue

5. Having regard to the background above, I consider the main issue is:

- Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services.

Reasons

6. The site consists of an area of garden at Great Oaks House which has an access gateway to Puttenden Road. The area is designated as countryside, and generally comprises pasture interspersed with hedges and areas of woodland with sporadic clusters of houses and agricultural buildings. The site lies within a designated Area of Outstanding Natural Beauty (AONB), and there is an overriding attractive, rural character and appearance to the locality. Existing structures on the site include a permanent stable building of three loose boxes with a large lean-to timber framed hay barn to the rear, grouped together with a modest garden shed and a greenhouse. I saw during my visit that the buildings were generally in good condition, except for some missing panes in the greenhouse, and appear be used for storage ancillary to the host property.
7. Policy CP14 of the adopted Tonbridge and Malling Borough Core Strategy 2007 (CS) sets out that development in the countryside will be restricted to those exceptions listed in points a) to i) of the policy. The main objective of this policy, as part of the Council's overarching settlement strategy for the borough, is to ensure that development is concentrated in or adjoining existing built up areas in the interests of sustainability. For the purposes of the policy, 'the countryside' is defined as the part of the borough lying outside urban areas and outside the confines of the rural settlements listed in CS Policy CP13. The appeal site lies outside such settlement confines. There is no case before me that the proposal is necessary in relation to housing rural workers or any other purpose for which a rural location might be essential, or that it would constitute a rural affordable housing exception.
8. Criterion b) of Policy CP14 provides for the one-for-one replacement of an existing dwelling or the conversion of an existing building for residential use. However, it plainly does not provide for the redevelopment of non-residential buildings to create a new dwelling, as is proposed. None of the other listed forms of development apply. The proposal would therefore conflict with this policy.
9. Policy DC2 of the Council's adopted Managing Development and the Environment Development Plan Document 2010 (DPD) sets out criteria for the consideration of a replacement building in the countryside. However, at point 2 it is clear that a residential replacement of non-residential buildings in the countryside will be considered as new residential development and therefore subject to Policy CP14, in addition to the criteria listed in Policy DC2.
10. Notwithstanding the conflict already identified with Policy CP14, there is no significant evidence before me that the proposal would be inconsistent with criteria a) to c) and e) of Policy DC2. However, criterion d) requires that a replacement building would not be in an isolated position in relation to

infrastructure and services. This requirement is generally consistent with paragraph 55 of the Framework. I saw during my site visit that while the new dwelling would not be visually or spatially isolated from other built development including several nearby dwellings, it would be functionally isolated from services and facilities, with such provisions being very limited in the locality, as is generally commensurate with its rural nature. Puttenden Road is essentially a country lane with no footway or street lighting and I saw no indication of any bus stops nearby.

11. As a result, and given the distances to villages and towns where day-to-day services and facilities are available, I consider that future occupants of the proposal would be more likely to make the majority of journeys by private car than alternative methods of transport. Furthermore, I consider that the proposal would result in an isolated new home in the countryside, in the context of paragraph 55, where it would not be likely to contribute significantly towards enhancing or maintaining the vitality of rural communities. Moreover, on the evidence before me, I am not persuaded that any of the special circumstances of paragraph 55 would apply. I note that there are a number of benefits of the proposed design, including in relation to energy performance, but I am not satisfied this this would be truly outstanding or innovative.
12. For these reasons, I conclude that the proposed development would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with Policy CP14 of the CS and Policy DC2 of the DPD, the relevant criteria of which are set out above. These policies are generally consistent with the Framework and therefore I have afforded them significant weight for the purposes of this appeal. I considered that nothing in these policies indicates that relevant development in the countryside that would not be inappropriate development in Green Belt terms is exempted from their requirements. My preliminary finding in relation to the Green Belt status of the proposal therefore does not diminish my findings in relation to this main issue.

Other Matters

13. The appellant considers that as the CS and DPD pre-date the Framework they should effectively be considered out-of-date. However, they remain part of the statutory development plan for the borough and paragraph 211 of the Framework is clear that for decision-making, policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Paragraph 215 of the Framework sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, and I have ascribed weight to the policies relevant to the main issue above.
14. Furthermore, there is no significant evidence before me that the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, in the context of paragraph 49 of the Framework, I see no reason why relevant policies for the supply of housing in those plans should not be considered up-to-date. On 10 May 2017 the Supreme Court handed down judgement on the *Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG, Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council* case, which concerns the interpretation of paragraph 49 and its relationship with

- paragraph 14. I have had regard to the judgement and I do not consider that it has any direct implications in the circumstances of this appeal.
15. The appellant considers that there are very special circumstances that justify the appeal. 'Very special circumstances' is a concept particular to Green Belt policy. As I agree with the main parties that the development would not be inappropriate development in Green Belt terms, very special circumstances are therefore not relevant. However, this does not alter my findings in relation to the main issue above, and I move to consider the various benefits of the scheme.
16. The development would bring about a number of benefits, and I note the local support for the scheme. Benefits include that it would provide an additional home to the local stock using vernacular materials, increase security in the vicinity, and that energy efficiency and 'Lifetime Home' standards are proposed. However, these benefits would be modest in relation to one dwelling and so do not outweigh the significant harm that would arise in respect of the main issue.
17. Particular support has been given to the proposed design, including that it would be sympathetic to the surroundings. I note that the Council has raised no significant concerns on these grounds, including in relation to the AONB and, on the evidence and merits before me, see no reason to disagree. I consider the overall effect of the scheme, due to its design, materials, scale and position relative to the existing buildings and garden use of the land, would be essentially neutral on the landscape and scenic beauty of the AONB. Accordingly, this matter also does not outweigh my findings on the main issue.
18. My attention has been drawn to various examples of developments permitted in the surrounding area, which the appellant considers similar to the proposed scheme. The Council considers that there are significant differences in the circumstances of each case relative to the appeal before me, including that they resulted in substantially smaller buildings than those being removed, significant improvements in the appearance of sites, or they relate to the conversion or buildings rather than redevelopment. Having considered the relevant documents provided, I am of the view that, while there may be some similarities, each example has material differences in planning circumstance from the case before me, which I have considered on its own merits. These examples therefore do not outweigh my findings above.
19. I understand the appellant's desire to create an adaptable, efficient and more manageable home to allow her to downsize and remain active in the local community. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harms identified in this case.

Conclusion

20. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR