
Appeal Decision

Site visit made on 31 July 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/G2245/W/17/3174174

Orchard Cottage, Chevening Road, Chipstead TN13 2SA

- 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 Tim Williams against the decision of Sevenoaks District Council.
 - The application Ref SE/17/00195/FUL, dated 5 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is described as "*one detached infill dwelling land south of Orchard Cottage*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt 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
 - 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

3. The appeal site forms part of the residential garden of Orchard Cottage, which is a detached dwelling situated to the north-eastern side of Chevening Road on the edge of Chipstead village. The proposed dwelling would be positioned between the existing cottage and Chevening Primary School which adjoins the site to the side and rear. The proposal has been put forward as infilling within the village under bullet point 5 of paragraph 89 of the National Planning Policy Framework (the Framework).

Inappropriate development

4. There is no dispute between parties that the appeal site is within the designated Green Belt and lies outside the defined settlement boundary. The appeal site is located toward the end of ribbon development that extends north

westwards of the centre of Chipstead village. Whilst the appeal site forms an integral part of the village in social terms, the Council has identified a particular area of the village that is considered suitable for further development, including infilling. The appeal site is located well beyond that area.

5. The application that has led to the appeal before me follows the refusal of a previous application by the Council (Council ref 12/01225/FUL) for a detached four bedroom dwelling that was dismissed at appeal on 17 May 2013 (Appeal ref APP/G2245/A/12/2188666). In dismissing the appeal, the Inspector, for the purposes of planning policy, reached the conclusion that the appeal site fell outside the area suitable for further modest development.
6. The appellant argues that there is continuous ribbon development made up primarily of dwellinghouse that ends north of Orchard Cottage. However, I observed that the more compact part of the village is that area south east beyond Darent Close. The ribbon development stretching north west is more loose-knit with gaps at intervals between the existing ribbon development. The appeal site, with its large plot and garden that separates the dwelling from existing adjoining built development gives the site a semi-rural character reflecting its edge of settlement siting.
7. Since the previous proposal the Council has adopted Supplementary Planning Document (SPD) 'Development in the Green Belt'. The SPD identifies that at the edge of settlements within Green Belt boundaries where the character of development is more loose-knit infill development beyond the defined settlement boundary would compromise the purposes of the Green Belt and would constitute inappropriate development. Given the characteristics of the ribbon development beyond the settlement boundary the appeal site would not be a location where infill development would be considered appropriate in the Green Belt.
8. The appellant argues that the Sevenoaks District Council Local Plan (the Local Plan) and the SPD are not consistent with the Framework which, the appellant implies, allows limited infilling in villages without further question. To qualify this point, the appellant has referred me to two Court of Appeal judgements¹ that he considers support his argument against the relevance of the Council's SPD to the appeal site. The appellant's contention relates to the restriction the SPD places upon infill development beyond the settlement boundary and such development constituting inappropriate development. However, the Lee Valley case deals with development that is not inappropriate development in the Green Belt. That is not the circumstance before me here. The Wood judgement related to affordable housing for local community needs which again is not the case here. I therefore attached little weight to these judgements.
9. The Framework states that the construction of new buildings in the Green Belt is inappropriate unless it would be limited infilling in villages. I acknowledge the comment made by the previous Inspector that the plot is capable of absorbing a dwelling of the type sought on a gap between existing developments on either side. I also note the appellant's argument that that the proposal is compliant with what is generally held to represent infill development. However, it is clear to me that, in planning policy terms, the appeal site falls outside the development limits of Chipstead and the proposal

¹ R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJJ & Wood V Secretary of State of Communities and Local Government [2014] EWHC 683 (Admin).

to consolidate built development in this location would compromise the fundamental objectives of Green Belt policy. This was also the view held by the previous Inspector. I therefore attach little weight to the appellant's point.

10. In not complying with the exception, 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 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 LO8 of the Sevenoaks District Council Core Strategy (the Core Strategy) that seeks to conserve the countryside, and the Council's adopted SPD which resists infill development beyond a defined settlement boundary as this would constitute inappropriate development within the Green Belt.

Openness of the Green Belt

11. Further to my considerations above, the development in this location would be contrary to the purpose of safeguarding the Green Belt from encroachment. The introduction of built development in this location that is currently open garden land between the dwelling and the school would have a significant and negative effect on the openness of the Green Belt as it would significantly erode the openness of the immediate area. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposal would conflict with both Policy LO8 of the Core Strategy that states the extent of the Green Belt will be maintained and the SPD as it would compromise the openness of the Green Belt. Consequently, there would be a significant degree of harm arising from the proposed development, in addition to that arising from the inappropriate nature of the development.

Other Considerations

12. The appellant contends that the scheme offers a four bedroom family home, comprising a good standard of internal and outside space, with parking at the popular residential area of Chevening Road. I have no reason to doubt that a dwelling of high quality design and energy efficiency could be constructed at the appeal site that would reflect the height and building lines of Orchard Cottage and blend with the variety of architectural styles and materials of the surrounding area. I attach moderate weight to these factors which support the proposal. The sustainable credentials of the site in terms of its location and connectivity to services, facilities and public transport are modest.

Other Matters

13. It is appreciated that pre-application advice was sought in this case. However, preliminary Council advice is normally given on an informal without prejudice basis. Notwithstanding this, I note that whilst the writer opined that the site would appear to fall within the infill definition the writer qualifies this by stating that the site would not lie within an area where such a policy would apply.

Conclusions

14. The combination of harm caused by the inappropriateness of the development and its effect on openness carry substantial weight. In contrast, the other considerations carry moderate or modest weight and are not sufficient to clearly outweigh the harm to the Green Belt. Consequently, I find there are

not the very special circumstances necessary to justify inappropriate development in the Green Belt. The proposed would conflict with the Council's adopted development plan, including Policy LO8 of the Core Strategy, the Development in the Green Belt SPD, and the advice in the Framework. Therefore, for the reasons given I conclude that the appeal should fail.

Nicola Davies

INSPECTOR