
Appeal Decision

Site visit made on 18 September 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 6 October 2017

Appeal Ref: APP/G2245/D/17/3179635

Little Oakwood, Ide Hill Road, Ide Hill TN14 6JY

- 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 S Hart against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03363/HOUSE, dated 2 November 2016, was refused by notice dated 2 June 2017.
 - The development proposed is the demolition of existing garage and workshop, replacement with detached summerhouse and associated hard landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt;
 - its effect on the landscape character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB); and,
 - if it is inappropriate development, 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

Inappropriate development in the Green Belt

3. The appeal concerns the outbuildings of a large house standing in spacious grounds between Ide Hill Road to one side, and to the other, the open fields leading across the Low Weald to distant woods and downs. The site is located within the Green Belt and within the Kent Downs Area of Outstanding Natural Beauty (AONB).
 4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green
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Belt. A number of exceptions to this are set out in paragraph 89 of the Framework. Of these, the most relevant is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. Policy GB3 of the Council's Allocations and Development Management Plan 2015 (ADMP) allows outbuildings in the Green Belt which are ancillary to the dwelling in terms of function and design, and which would not harm the openness of the Green Belt through excessive bulk or visual intrusion.
6. The site contains numerous outbuildings as well as the house. Three of these, with a collective area of around 60m², would be replaced by the proposed outbuilding with an area of around 76m². The appellant accepts that the proposal would be materially larger than the buildings it would replace and considers it would be inappropriate development in the Green Belt. I have no reason to disagree.
7. The proposal would therefore be inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

Openness of the Green Belt

8. The Framework states that openness is one of the essential characteristics of Green Belts. Openness is generally considered to be the absence of built development. The increase in the volume of development on the appeal site when compared with the existing situation would reduce the openness of the Green Belt.
9. The loss of openness in terms of area would be relatively small in the context of the floor area of the house. The proposal would have a modest height and proportion and it would be sited close to the enclosing boundary to the road which would diminish its impact on the openness to the west. However, it would be one of a succession of outbuildings on the site, where a Certificate of Lawful Proposed Development for another outbuilding (PD) has been recently granted. Whilst the proposed development would consolidate 3 buildings, these appear little more than modest-scaled sheds whose separation settles them into the landscape.
10. The increase in the volume of the development on the appeal site, when compared with the existing situation, would reduce the amount of space not occupied by built form, and thereby diminish the openness of the Green Belt. While the loss of openness would be moderate, this weighs against the proposal. The proposal would thus be in conflict with ADMP policy GB3 and the Framework.

Landscape character and appearance of the Surrey Hills AONB and AGLV

11. The site lies inside the AONB, which has the highest status of protection in relation to landscape and scenic beauty, to the conservation of which the Framework requires that great weight be given. The proposed outbuilding would be legible as a garden building in the grounds of the much larger house. It would not appear disproportionate in footprint, height or mass compared to the house. It would be located towards a less sensitive part of the site. Given

the height and density of planting behind it, the proposal would be partially absorbed into its background.

12. The roof of the proposal would be flat; however its shape would be relatively narrow, including a return, and its height would be modest. A flat-roofed building on the west side of the site has planting growing up its walls and across its roof which helps it to blend into the landscape. An appropriate condition could secure a sensitive roof finish to this building. Its openings and walls would be in timber which would sit comfortably in the rural setting. It would appear as a benign and discrete garden building which would conserve the landscape setting of the house and its contribution to the AONB.
13. I conclude on this issue that the proposed development would not materially harm the landscape or scenic beauty of the AONB. There would be no conflict with the Council's Core Strategy policies LO1 and LO8, which protect the rural character of the District and which require the distinctive character of the AONBs and their settings to be conserved and enhanced. Nor would it be at odds with ADMP policies EN1 and EN5 which require the form, scale, materials and design of proposals to conserve and enhance the character of the landscape and to respect the topography and character of the area.

Other considerations

14. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. The appellant claims a fallback position from his right to build the PD scheme, which he claims would be more harmful than this proposal. Given the similarity of the PD scheme to this proposal and the works already completed on the site, there is more than a theoretical possibility that it would be implemented. The PD scheme would have a similar appearance to this proposal. While its floor area would be only around 30m² compared to the proposal's area of around 76m², three factors weigh heavily in favour of the appellant's claim.
16. First, the PD building would be sited close to the west boundary. This side of the site is far less enclosed than the side where the proposal would be sited. The PD building located here would have a far greater bearing on the open fields beyond it than the appeal proposal located close to the road boundary.
17. Second, when account is taken of the buildings which would be removed in this proposal, together with the abandonment of the PD scheme, the effect on floor area across the site would be a reduction of around 14m². This compares favourably with the PD scheme which would result in an increase of around 30m².
18. Third, consent to this proposal would provide the opportunity for a condition removing rights of permitted development for outbuildings; this would bring the erection of further outbuildings within the control of the Council.
19. Substantial harm arises from inappropriate development in the Green Belt. However, in this case I attribute substantial weight to the prospect of the construction of the PD scheme which would have a materially greater impact on

its openness than its alternative in this proposal. Balanced against the moderate harm to openness from the proposal which I have identified, very special circumstances would exist in this case to justify inappropriate development in the Green Belt.

20. However, it appears that the PD scheme could be implemented alongside this proposal. If both schemes were developed, given my findings above, this would result in inappropriate development leading to loss of Green Belt openness, which is not justified by very special circumstances.
21. The implementation of the PD scheme cannot be prevented by a planning condition, and there is no obligation before me which would bind the appellant from implementing the PD scheme in the event of this appeal being allowed. Despite my positive conclusion above, without such an obligation, I am unable to conclude that this proposal would not result in harm to the Green Belt, and this is decisive for the appeal.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR