
Appeal Decision

Site visit made on 25 June 2019

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

Appeal Ref: APP/G4425/D/19/3223862

Highfields, Manor Drive, Hartley, Longfield DA3 8AT.

- 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 D Patel against the decision of Sevenoaks District Council.
 - The application Ref 18/3875/HOUSE, dated 18 December 2018, was refused by notice dated 25 February 2019.
 - The development proposed is the erection of amgarage and storage building to be used for ancillary residential land maintenance.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether having regard to development plan policy and national policy in the National Planning Policy Framework (the Framework) the proposal comprises inappropriate development in the Green Belt
 - b) The effect on Green Belt openness
 - c) Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations

Reasons

3. The appeal site comprises a large recently constructed modern dwelling set within extensive grounds, surrounded on three sides by woodland. It lies in a countryside setting outside the built framework of nearby Hartley village. The proposed building is intended to be used for the storage of vehicles and equipment associated with the maintenance of the site and the areas of woodland that surround it.

Whether inappropriate development

4. The site lies in the Green Belt wherein the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 145 of the Framework. That includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. There is no reference to detached outbuildings within the curtilage of a building.

5. Policy GB3 of the Allocations and Development Management Plan (2015) (ADMP) states that proposals for residential outbuildings located more than 5 metres from the existing dwelling will be permitted where the building, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
6. Reference is made to the Council's Development in the Green Belt SPD (2015) (GB SPD) in the supporting text. This states at paragraph 5.30 that the outbuilding should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion. In order to minimise the impact of outbuildings on the openness of the Green Belt the Council will seek to restrict any outbuildings to a limit of 40 sq.m. (measured externally).
7. However, ADMP Policy GB5 (dwellings permitted under Very Special Circumstances or as Rural Exceptions in the Green Belt) states that applications to extend dwellings or erect or extend outbuildings to dwellings permitted under the policy, will not be permitted. The Council has confirmed that the existing dwelling was permitted under this policy, therefore, as clarified in paragraph 7.36 of the supporting text to this policy, GB3 does not apply.
8. The proposed building would thus be inappropriate development in the Green Belt and, as indicated in Framework paragraph 143, should not be approved except in very special circumstances.

Effect on Green Belt openness

9. The proposed outbuilding would be of a relatively simple 'lean-to' design and sited between the house and the woodland area to the east. It would be of reasonably modest proportions compared to the house and appear subservient to it. However, the extensive curtilage of the dwelling is free from buildings and thus maintains an open character. I consider that it would have a moderate impact on Green Belt openness.

Whether the harm by reason of inappropriateness and harm to Green Belt openness are clearly outweighed by other considerations.

10. The main consideration put forward by the appellants is in relation the GB SPD and that the size of outbuilding permissible under this guidance would, in this case, be insufficient to meet the practical needs for which it is required. It is argued that in the light of the considerable areas of woodland and other land that require management, a building of the size allowed would not be sufficient and would only be suitable for a more modest cottage with small garden.
11. The appellant contends that the proposed building, which has been reduced in size in comparison to an earlier scheme, is the minimum space required to house one suitable land and tree management vehicle and cleaning and storage space. The latter is required to enable persons contracted to carry out the work to use the building without needing to access the house, for practical and convenience purposes.
12. Whilst I acknowledge that the site and its grounds are of considerable size and the woodland will require regular management, I am not convinced that the size of building proposed would be justified. There is no information regarding the vehicles needed to undertake such works, apart from reference to a tractor

which on the basis of the submitted plans, would appear to be easily accommodated within the building with space either side. No other specific information about other essential equipment is provided, nor any justification for the need for those to actually be kept on site rather than brought in when needed.

13. In any event, as indicated above, I have found that ADMP Policy GB3 and the related guidance in the Council's GB SPD does not apply in this case. Even if it had applied, the proposal would not accord with it as the proposed building, at 72 sq.m. significantly exceeds the limit allowed.
14. Overall, I do not find that the need for the size of building proposed has been justified and thus I give only limited weight to these considerations. I therefore conclude that the harm by reason of inappropriateness and harm to openness, to which substantial weight must be given, is not clearly outweighed. Therefore, very special circumstances have not been demonstrated.

Conclusions

15. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR