
Appeal Decision

Site visit made on 23 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/H2265/W/19/3225620

Nepicar Lodge Farm, London Road, Wrotham Heath, Sevenoaks TN15 7RS

- 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 and Mrs Bruce Abercrombie against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/19/00080/FL, dated 19 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is the renovation and rebuilding of outbuildings ancillary to main house as additional accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt; and
 - If the proposal 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

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

3. The site is located within the Green Belt. Paragraphs 145 and 146 of the National Planning Policy Framework (the Framework) outline the circumstances where development will not be inappropriate in the Green Belt. Paragraph 145 sets out that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Additionally, paragraph 146 indicates that other forms of development are also not inappropriate, provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.
4. The scheme seeks permission for the creation of two units of accommodation which are to be used as additional accommodation to the existing house, Nepicar Lodge Farm. Currently at the site is a two-storey stone barn, which I observed to be in good condition and of permanent construction. The scheme

- proposes the renovation of this building to form part of one of the units. In this respect, the proposal would comprise the re-use of a building that is of permanent and substantial construction. The re-use of this building, in isolation, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it, as set out in paragraph 134 of the Framework.
5. To the rear of this are the remains of buildings which formerly occupied the site; the kitchen and dining room of Unit 1 and the entirety of Unit 2 would be at this location. I observed that the walls that were present were in a poor state of repair; some were still standing whilst others had collapsed. There was a small section that retains a roof, however the majority was roofless. The single wall alongside the adjoining garden area was in a reasonable condition and appeared to be cemented along its top edge.
 6. The submitted details show that the single wall that I have identified is in a reasonable condition, is to be retained, whilst it is shown that the remainder of the walls are to be either new or repaired. Given that it is proposed that Unit 2 be a two-storey building and that there is only a back wall to the proposed kitchen and dining room of Unit 1 currently existing, I consider it likely that the majority of the walls would be new. As such, in my view, this element of the scheme should be considered as a new building. This is particularly so, as the scheme would comprise development significantly in excess of what currently exists.
 7. Paragraph 145 provides details of exceptions to where new buildings should be considered inappropriate. The scheme does not comprise development detailed within exceptions a), b), e) or f).
 8. Paragraph 145 c) allows for the extension of a building provided that it does not result in a disproportionate addition over and above the size of the original building. Using the appellants figures the internal floorspace of the existing building is approximately 118 square metres (sqm). The proposed scheme would deliver a total internal floorspace of 187 sqm, an addition of 69 sqm. In my view, that cannot be anything other than a disproportionate addition to the existing building.
 9. In respect of paragraph 145 d), there is no complete building on the site for which the scheme could be considered a replacement. I note that there is reference to the seeking to reinstate buildings that once occupied the site, however they are no longer present, and it is only the remnants of them which remain. It is against what currently exists on site that must be considered as a baseline. Even if what remains on site was considered to be a building, the proposed scheme would be materially larger than what it would replace.
 10. Turning to paragraph 145 g), the Council accept that the site can be considered to be previously developed land (PDL). On the basis of what is before me, I have no reason to disagree with this stance. The partial or complete redevelopment of PDL is not inappropriate development provided it would not have a greater impact on the openness of the Green Belt than the existing development. As I have outlined above, the proposed scheme would result in significant additional built form, over and above that which currently exists. Whilst I note that there are little, if any, public views of the site, this is not determinative in consideration of the matter of openness.

11. Paragraph 133 of the Framework indicates that openness and permanence are the essential characteristics of the Green Belt. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
12. The baseline for considering the effect on openness must be what currently exists at the site. As the scheme includes additional walls and roofing, there would be an increased quantum of built development at the site. This would fail to preserve, and there would be a loss of, the openness of the Green Belt at this location.
13. Consequently, in light of the above, the scheme would fail to accord with any of the exceptions provided by paragraph 145 of the Framework. The proposal would therefore be inappropriate development, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The scheme would also conflict with Policy CP3 of the Tonbridge and Malling Borough Council Local Development Framework – Core Strategy (2007), which states that national Green Belt policy will be applied.

Other considerations

14. I note that the appellant is seeking to restore what previously existed on the site and has liaised with the freeholder of the site, The National Trust. I also appreciate that the intention is to improve what the appellant considers to be a "derelict eye-sore".

Other Matters

15. There is reference to a previous application at the existing dwelling which lies adjacent to the site. However, that sought to extend that existing property, rather than to renovate or rebuild it. As such, it is not directly comparable to the scheme before me and has little bearing on my decision.
16. I have been referred to paragraph 141 of the Framework which refers to improving damaged and derelict land. Whilst this is noted, this does not outweigh the conflict with the Framework as identified above.

Conclusion

17. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above. However, these, individually or when considered together, are not sufficient to amount to the very special circumstances necessary to justify the development. Thus, the proposal would be contrary to the requirements of the Framework and would conflict with Policy CP3.
18. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR