



Appeal Decision

Site visit made on 17 May 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 29th August 2019

Appeal Ref: APP/H2265/W/19/3223012

Greenways Bootfair Site to the east of Mayhill Bungalow, London Road, Addington, Kent ME19 5AL

- 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 Gary Haffenden against the decision of Tonbridge and Malling Borough Council ("the Council").
 - The application Ref TM/18/02608/FL, dated 30 October 2018, was refused by notice dated 31 December 2018.
 - The development proposed is to construct 5 bungalows with garaging and access road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site's address was described differently on the appellant's application form and appeal form, and on the Council's decision notice and appeal questionnaire. I have used the site address on the appellant's appeal form as it most clearly describes the site.

Main Issues

3. The appeal site is located within the Green Belt, and accordingly the main issues are:
 - i. Whether the development is inappropriate development in the Green Belt;
 - ii. The effect on the openness of the Green Belt; and
 - iii. Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether the proposal would be justified by very special circumstances.

Reasons

Whether the development is inappropriate development in the Green Belt

4. The appeal site is a field on the south side of London Road, with hedging to its north and eastern boundaries. It lies to the east of a row of five bungalows and opposite a car dealership to the north. It is outside the settlement of Addington, and is located in the countryside and Green Belt. Further to the west and east of the site along London Road is sporadic ribbon development of

- housing and employment units arranged in small clusters, separated by open countryside.
5. Planning permission is sought for five detached bungalows set behind an access road parallel to London Road, accessed from the existing site entrance onto London Road. Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy September 2007 (the "Core Strategy") applies national Green Belt policy, which is contained within the National Planning Policy Framework (the "Framework"). Paragraph 145 of the Framework advises that the construction of new buildings is inappropriate in the Green Belt with some exceptions. Those exceptions include limited infilling in villages.
 6. There is no dispute between the parties that the appeal site lies beyond the confines of the defined settlements and is outside the defined boundary of the nearby village of Addington. The appellant is nonetheless of the opinion that the proposed development would comprise limited infilling in a village, and therefore it would be an exception to inappropriate development.
 7. In support of that opinion, the appellant refers to the Council's recent planning approval¹ for four detached three-bedroom chalet style dwellings between Regents Court and Park View (the "Addington (Clearways) site") some distance to the west, which the Council considered to be limited infilling in a village notwithstanding its position outside the defined boundary of the village.
 8. The Addington (Clearways) site is relatively enclosed on three sides by development, is directly opposite the defined boundary of Addington (Clearways) and has a suburban character, being closely related to the residential properties to the north, east and west, and the petrol station to the west. In my view, notwithstanding both sites' positions outside designated village boundaries, the appeal site is materially different in both location and character to the Addington (Clearways) site, in particular as the appeal site is larger, has a much greater distance to a village, functions as an open gap separating the nearby clusters of buildings, and the surrounding development is rural in character. Given the differences between the locations and characteristics of the appeal site and the Addington (Clearways) site I have therefore placed very limited weight on that planning approval¹ and assessed the appeal proposal on its own merits.
 9. There are several dispersed pockets of development nearby which are linked by the A20 London Road, including "Kasa" to the east; the houses on either side of London Road to the west including "Greenways cul-de-sac" and "The Links"; the Mitsubishi car dealership and the nearby industrial units. However, those pockets of development are scattered, separated by stretches of countryside, and do not comprise a cohesive settlement in visual terms.
 10. Although I note that an isolated village hall and a church and public house lie outside Addington to the east, the pockets of housing linked by the A20 do not include any significant facility or service that would denote the area to be a functional settlement, and are largely dependent on the surrounding settlements for services. Having had regard to the surrounding pattern of existing and approved development, I find that the scattered groups of buildings near to the site do not form a loosely grouped or dispersed form of undesignated village (which the appellant refers to as "Addington Greenways").

¹ TM/18/01338/FL

11. The appeal site has no direct physical, visual or functional relationship to either of the nearest villages of Addington or Addington (Clearways), being physically distanced by open fields and other small developments. I therefore find that the site is not part of either of the nearest defined villages and could not be considered limited infilling to either of the nearby defined villages. In determining whether or not the site could be considered to be part of a village I have had regard not only to the defined villages nearby but also to whether the site appears to be in a village given the extent of built up area on the ground, the locations of road signs, and the functions of the surrounding land.
12. The proposed development would infill a gap between buildings, however having had regard to the site's location outside a village, and also to the other factors pertaining to whether or not the site could be considered part of a village, the development would not constitute limited infilling in a village for the purpose of exception (e) of paragraph 145 of the Framework. The proposal would not fall under any of the exceptions listed in paragraph 145 and it would amount to inappropriate development in the Green Belt, contrary to Core Strategy Policy CP3 and paragraph 145 of the Framework.

The effect on the openness of the Green Belt

13. Paragraphs 133 and 134 of the Framework clarify that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence.
14. The clusters of buildings nearby to the site are separated by stretches of open countryside which prevent urban sprawl and merging of built-up areas. The appeal site is one of those stretches, and it currently contributes positively to the openness of the Green Belt by preventing the encroachment of the surrounding clusters of buildings into the Green Belt and avoiding urban sprawl.
15. The introduction of new buildings in the countryside as a result of the development would physically merge the developed areas to the west and north, and significantly reduce the gap between the clusters of residential buildings on the east and west sides of the site. It would partially close a visual gap which currently contributes positively to the openness of the Green Belt.
16. The effect would be the visual infilling of an open gap between existing homes, urban sprawl and the suburbanisation of its setting. It would not safeguard the countryside from encroachment, and it would result in both visual and spatial harm to the existing openness of the Green Belt contrary to paragraphs 133 and 134 of the Framework and Core Strategy Policy CP3 (which applies the Framework's Green Belt Policy).

Other Considerations

17. Policy OS3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 sets out a requirement for open space provision in residential developments of 5 units or above.
18. The Council's decision notice includes a second reason for refusal relating to the lack of a contribution towards the provision of open space. A unilateral undertaking has since been provided by the appellant which undertakes to pay the Council's requested contribution and in my view satisfies that reason for

refusal. It is, however, necessary that I consider this obligation against the tests set out in the Framework.

19. As the new housing development will bring about demand for public open space facilities I am satisfied that the proposed contribution would result in compliance with Policy OS3 and would be necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, it would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligation therefore meets the relevant tests. As that contribution is a policy requirement and would partially mitigate the harm caused by the development I afford it only limited weight in reaching my decision.
20. The Council acknowledges that it cannot demonstrate a 5 year housing land supply. In these circumstances it is material that Paragraph 11 of the Framework provides that where a 5 year housing land supply cannot be demonstrated, permission should be granted unless the application of the Framework's policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
21. The shortfall in housing supply, which the appellant suggests is now at least 1.2 years, is a factor to be weighed in the balance and I afford the provision of five new homes, which would be suitable for various sections of the community including older people and families, significant weight.
22. Weighed against the scheme's benefits, paragraphs 143 and 144 of the Framework set out that inappropriate development in the Green Belt should not be permitted except in very special circumstances. In accordance with paragraph 144 of the Framework, I afford substantial weight to the harm that the development would cause to the Green Belt.
23. Taken together, I find that the other considerations outlined above do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Consequently, there are clear reasons for refusing the development and the very special circumstances necessary to justify it do not exist.

Conclusion

24. For the reasons given above, and with regard to all other matters raised, the appeal is dismissed.

Jan Slominski

INSPECTOR