
Appeal Decision

Site visit made on 25 July 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/G2245/W/19/3227417

Crown Oak Buildings, Gabriels Farm, Marsh Green Road, Marsh Green, Edenbridge TN8 5PP

- 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 Hendriksen against the decision of Sevenoaks District Council.
 - The application Ref 19/00082/FUL, dated 9 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is for extensions to current workshop buildings.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to current workshop buildings at Crown Oak Buildings, Gabriels Farm, Marsh Green Road, Marsh Green, Edenbridge TN8 5PP in accordance with the terms of the application, Ref: 19/00082/FUL, dated 9 January 2019, and the following plans: 32-18-100, 32-18-200, 32-18-201.

Procedural matter

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively. I have dealt with the appeal on this basis using the description on the appeal form, as the word "retain" on the application form is not an act of development.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the development is inappropriate for the purposes of the Framework, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

4. The appeal property is a business unit within a larger rural industrial site accessed by a long driveway from the B2028. The premises currently operate for the manufacture and finishing of timber frames. The surrounding area consists of open countryside with a rural character and appearance.
5. Policy GB8 of the Allocations and Development Management Plan February 2015 (DMP) provides a local policy context and states that proposals to extend a non-residential building in the green belt will be permitted where, amongst other things, the design and volume of the extension (taking into account previous extensions) would be proportional and subservient to the original building and would not materially harm the openness of the green belt through excessive scale, bulk or visual intrusion. In paragraph 145, the National Planning Policy Framework (the Framework) gives various exceptions of where the construction of new buildings in the Green Belt would not be inappropriate. One such exception is 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.
6. In this respect, the Council and appellant differ in their calculations as to the proportion by which the quantum of volume in the original building would increase as a result of the proposal. The Council calculate that the proposal would increase the original volume by about 55.25%, whereas the appellant calculates a 32% increase in original volume. Given this wide disparity and in the absence of any definitive evidence as to the size of the 'original building', I shall turn to examine the form, bulk and prominence of the proposed development. To this end I have had particular regard to the previous approval for extensions to the building under reference 14/03820/FUL.
7. Based on the appellant's comparative figures, which in themselves do not appear to be disputed by the Council, the difference between the current extensions and those formerly approved is an increase in length of between 0.5metres and 3.5 metres and a 0.1metre increase in the height of each ridge. To my mind, the form and design of the projecting extensions would reflect that of the 2014 scheme with monopitch roofs and open sides facing onto the central courtyard. The elements would be subservient to the existing building, would visually connect with the overall appearance without dominating it, and also respond to its design characteristics. They would be appropriately sited in relation to the property and would be unobtrusive when seen against the form and scale of the existing building.
8. Therefore, irrespective of whether the Council or appellant are correct in their assessments of the proposed increase in quantum of volume the form, bulk and prominence of the proposal over and above the previous proposal lead me to conclude that the proposal would not constitute disproportionate additions to the host building. For these reasons, I find that the proposal would not amount to inappropriate development in the Green Belt.
9. I conclude that Policy GB8 of the DMP the exception set out in paragraph 145 of the Framework are met. With respect to openness and the purposes of the Green Belt, given my findings that the proposal would not be inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. As the proposal does not amount to inappropriate development,

there is no requirement to assess if there are other considerations that amount to very special circumstances.

Other Matters

10. The impact of the scheme on the nearby Grade II listed building did not form part of the Council's reason for refusal. However, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed buildings. I have assessed this and agree with the Council that the setting would not be harmed by the proposal.

Conditions

11. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. As the development has already been carried out, it is not necessary or possible to impose the standard plans condition, although I have listed the application plans in my decision so it is clear what was submitted.

Conclusion

12. Having regard to the above and all other matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR