



Appeal Decision

Site visit made on 3 September 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/G2245/W/19/3229279

Land at New Years Lane, N/E of New Years Cottage, Knockholt, Kent TN14 7PQ

- 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 Miss Louisa Cutting against the decision of Sevenoaks District Council.
 - The application Ref 19/00221/FUL, dated 3 December 2018, was refused by notice dated 21 March 2019.
 - The development proposed is the erection of an "L" shaped block to be used as 2 stables, feed store and tack room.
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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 having regard to the National Planning Policy Framework 2019 (the Framework) and any relevant development plan policies, including any relevant effects on the openness of the Green Belt, and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The appeal site is an open field on the south-west side of New Years Lane. It is bounded by mature tree planting, although there is a more open gap in the northern corner around the access gate, with lower boundaries. A track runs along the northeast boundary, accessing the woodland to the south-east. The nearest dwellings are at New Years Cottages and The Washneys, some distance along New Years Lane in either direction. There is a footpath crossing the field to the north-east of the appeal site.
4. The proposal would place a new, single storey building comprising two stalls, a tack room and a feed store, close to the planting on the north-west boundary, near the gate.

5. There is no dispute that the site lies within the Metropolitan Green Belt. Paragraph 145 of the Framework states that the construction of new buildings are inappropriate development in the Green Belt. Paragraph 143 of the Framework is clear that inappropriate development is by definition harmful to the Green Belt.
6. Paragraph 145 does nevertheless provide exceptions which are not considered to be inappropriate. They include the construction of new buildings being inappropriate in the Green Belt for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation. However, it includes the caveat that such development must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
7. Policy LT2 of the Sevenoaks District Council Local Plan Allocations and Development Management Plan 2015 (the ADMP) allows equestrian development within the Green Belt where the scale of development does not harm the openness of the Green Belt. This is reflected in the advice contained in the Council's Supplementary Planning Document: Development in the Green Belt 2015 (the SPD).
8. The revised Framework identifies that the fundamental aim of the Green Belt is "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".
9. The proposed building would lie in open countryside, introducing a new building some distance from the nearest group of farm buildings, at Washneys. There would be views into the site from the road and the footpath to the north-east, albeit that these views would be limited by existing vegetation. Therefore, the new building would be visually intrusive in the otherwise open landscape. The appellants statement identifies another building in the vicinity. However, during my site visit I did not observe any other buildings visible in the immediate area and so, given the limited information before me regarding the use of this building I have placed limited weight upon its presence.
10. Whilst the screening could be reinforced by planting, provided subject to a planning condition, I am not satisfied that such measures would, of themselves, be adequate to mitigate the visual harm identified to openness, as new planting would take time to establish itself and there is no substantive evidence before me that sufficient screening would be achieved to address the matter successfully.
11. There is no dispute that the plot could accommodate the building as proposed; that the building is of a limited size appropriate to the needs of the equine use of the field, having been reduced in size from a previous proposal; and could be constructed of materials appropriate to its rural location. It would nonetheless be result in the presence of development where previously none existed. Given that openness as a concept has both a spatial and a visual dimension., I find the increase in built form on the site would result in a harmful loss of openness.
12. Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban

regeneration, by encouraging the recycling of derelict and other urban land. The proposed development would, by virtue of the building's presence in otherwise open land, fail to assist in safeguarding the countryside from encroachment. As a result, it would conflict with the purposes of including land within the Green Belt.

13. As a result, I find that the development would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Consequently, the development would not fall within any of the exceptions set out under paragraph 145. Moreover, there is no indication that the development would fall to be considered under any of the exceptions under paragraph 146 of the Framework.
14. I conclude, therefore, that the proposal would amount to inappropriate development in the Green Belt. The proposal is therefore contrary to Policy LT2 of the ADMP, the Framework, and the guidance within the Sevenoaks Development in the Green Belt Supplementary Planning Document. I attach substantial weight to the harm to the Green Belt that arises by reason of inappropriateness.

Other considerations

15. The development would provide benefits in terms of providing shelter for the horses being kept in the field. The proposal would support an established outdoor recreational facility. Moreover, there would be likely minor benefits to the local economy in terms of short term employment in the construction industry. In addition, I note the support of a neighbouring landowner regarding the increased activity associated with the proposal bringing the estate to life and providing interest to local children. Taken together these benefits carry moderate weight.

Conclusion

16. The revised Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, whilst I have considered all matters in support of the development, I conclude that, collectively, they would not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
17. The proposal is therefore contrary to Policy LT2 of the ADMP, the guidance within the Sevenoaks Development in the Green Belt Supplementary Planning Document, and the National Planning Policy Framework.
18. For the reasons given above the appeal should be dismissed.

I Dyer

INSPECTOR