



Appeal Decision

Site visit made on 1 October 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/H2265/W/19/3232899

Land adjoining 66 Park Road, Leybourne, West Malling, Kent ME19 5HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sheila Cummings against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/19/00132/OA, dated 17 January 2019, was refused by notice dated 8 March 2019.
 - The development proposed is proposed chalet style 2-bedroom bungalow at site adjacent to 66 Park Road.
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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 and any relevant development plan policies
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

3. Park Road is physically separated from the urban settlement of Leybourne by open fields and wooded areas. Where the urban edge of Leybourne transitions into the countryside, the land becomes designated as Green Belt under Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy 2007.
4. Whilst the eastern end of Park Road comprises semi-detached dwellings in a relatively dense urban layout, No 66 Park Road is one of a few detached dwellings at the western end. These detached dwellings sit within a rural context, which has a spacious landscaped character formed by equestrian land, hedgerows and trees. The highway corridor of the A228, which passes by the rear boundary of the appeal site, is lined with dense landscaping.

5. The appeal site constitutes land to the rear of No 66, although the land has a physical and historical relationship with that dwelling. Apart from an open-sided shed subsumed by vegetation, there are no buildings, structures or other form of domestic paraphernalia on the appeal site, with the land maintained as lawn.
6. The fundamental aim of the Green Belt is to keep land permanently open. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. A list of exceptions to this principle is set out in paragraph 145 of the National Planning Policy Framework (the Framework). In this instance the proposal is for a new dwelling, to which the Council has applied paragraph 145 (g), due to rural gardens falling within the definition of previously developed land within the Framework.
7. The proposal would introduce a dwelling into this open land along with a large area of hardstanding and an attached garage. However, the appeal site is free from development and therefore open at present. Therefore, the proposal would have a stark and much greater impact upon the openness of the Green Belt than the existing use. The proposal would therefore be inappropriate development in direct conflict with the requirements of the Framework.

Other Considerations

8. The appellant submits that the dwelling would meet affordable housing needs, although provides no formal mechanism to secure the dwelling for affordable housing purposes with the appeal. The Council cannot demonstrate a deliverable five-year supply of housing. In such circumstances paragraph 11(d) of the Framework requires the grant of planning permission unless, "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". In this case Green Belt policies are applicable as outlined by footnote 6 to paragraph 11 and provide a clear reason for refusal.
9. The A228 is a large urban feature in proximity to the appeal site and there has been a historic permission for associated social infrastructure, but I am not presented with the full details of this case. There is no evidence before me to demonstrate why such developments would justify further development in the Green Belt in any event.
10. I have found that the proposal is inappropriate development that would have a harmful impact on the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight is given to any harm to the Green Belt. The other considerations set out above, even when taken cumulatively, only provide limited weight in favour of development. On this basis the other considerations in this instance would not amount to very special circumstances.

David Wallis

INSPECTOR