



Appeal Decision

Site visit made on 10 September 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/G2245/W/19/3227686

Former Car Breakers Yard, Rear of Washneys Bungalow, Washneys Road, Knockholt, Kent BR6 7NZ

- 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 C&J Bushby & Cuddy against the decision of Sevenoaks District Council.
 - The application Ref 18/03686/FUL, dated 27 November 2018, was refused by notice dated 11 February 2019.
 - The development proposed is demolition of existing buildings, removal of existing structures and hardstanding and erection of 3 dwellings with garages, parking spaces and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal 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
 - The effect of the proposal on the character and appearance of the landscape
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

3. 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 case both parties refer to paragraph 145 criterion (g). Here, the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, is such an exception.

4. I observed at my site visit there was a loose-knit and informal layout to the appeal site, emphasized by a proportion of the existing single-storey containers, cabins and other paraphernalia being overcome by vegetation. Although spread out over a wide area, development was generally in close proximity to the site's shared boundary with the neighbouring residence. Only a large building with a bow-top roof stands clear of any obstruction, featuring in views beyond the site's boundaries including from the nearby public footpath. Although I concur with the parties that the site constitutes previously developed land, it has a limited yet significantly harmful impact on the openness of the Green Belt at present.
5. The proposal would introduce two storey dwellings down the central spine of the site, with detached garages and other external parking areas forming a compact urban layout. Whilst the proposal would result in the clearance of clutter and detritus, there would not be a marked reduction in the sprawl of development across the appeal site. Regardless of whether the footprint and volume of development on site would be reduced through the proposal, there would not be any significant spatial benefit from the development towards the openness of the Green Belt.
6. Furthermore, the proposal would appear as an urban enclave, formally enclosing the space within the site. It would be significantly higher than the existing development thus imposing itself upon the wider area. Any reduction in footprint and volume on a horizontal plain would be negated by an increase in the height and prominence of development on site. There would therefore be a greater visual impact on the openness of the Green Belt which, by definition, would be of greater harm compared to the existing situation.
7. I note that the lawfulness of the land in the appellant's control beyond the appeal site boundary is disputed between the parties. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. Having focused my attention to the confines of the appeal site as defined on the submitted plans, I give little weight to the suggestion that this other land would be consequentially cleared if the appeal were allowed. Any benefits to openness are thus also limited.
8. The proposal would therefore have a significantly greater harmful impact on the openness of the Green Belt than the existing development. It would therefore not fall within the exception under paragraph 145 (g) of the Framework and thus would be inappropriate development. This would be contrary to the objectives of the Framework as well as the terms of policy L08 from the Sevenoaks District Council Core Strategy adopted 2011 (the Core Strategy), which seeks to maintain the extent of the Green Belt.

Character and appearance of the landscape

9. The appeal site sits remotely in the countryside. Expansive fields demarcated with hedgerows and large wooded areas surround the site. There are very definite open and spacious qualities to the landscape, being largely devoid of development.

10. Whilst the appeal site does not positively contribute to the general verdant quality of the countryside, the low-scale nature of the structures and paraphernalia upon it have a muted effect on its appearance. Only the larger building, appearing as a barn in scale, is visible in longer views.
11. In stark contrast, the proposal would be of an urban scale, appearing highly prominent in the landscape by virtue of its height, bulk and formal layout. In views, particularly from the local footpath just south of the appeal site, the proposal would be an intrusion into the rural setting. Whilst the materials would reflect the local vernacular, the residential layout would detract from the intended agricultural aesthetic. Even with the potential for landscape enhancements, the proposal would be out of character with the surroundings.
12. Whilst the submitted plans are not specific as to the surfacing of the new roadway to serve the proposal, the road would be wider, metalled for handling refuse vehicles and would provide uncovered parking of vehicles. This would have a visual impact on the landscape far greater than the current hardstanding, that is largely a loosely bound aggregate surface typical of a rural setting.
13. The proposal would therefore have a harmful effect upon the character and appearance of the landscape. This would be contrary to policies L08 and SP1 of the Core Strategy, which seek to protect the special character of the landscape.

Other Considerations

14. Whilst it has been suggested that the Local Planning Authority (LPA) cannot demonstrate a deliverable five-year housing land supply, no formal case has been presented to me on this point. In any event, the lack of a housing supply on its own would not normally outweigh Green Belt harm. I give the provision of housing on this modest scale limited weight accordingly.
15. Reference is made to a fallback position whereby the lawful use of the land as a car breakers yard could resume and at a higher intensity, bringing increased traffic into the narrow country lanes. It is plausible that the lawful use could operate in the future and such operation would be harmful to both the Green Belt and the character of the countryside. However, at the time of my site visit, I observed no active car breakers use nor associated machinery. It would require significant investment to prepare the site for a development of any meaningful intensity. I have no substantive evidence before me to indicate there is a significant probability of the former use being reinvigorated. This limits the weight that I can attach to it as a fallback position.
16. It has been put to me that the circumstances in this appeal are comparable to other appeal cases that have been allowed. However, I do not have full details of the schemes underpinning those appeal cases and so cannot be certain that the circumstances are the same. I give little weight to any other comparable schemes. None are in the immediate context of the appeal site in any event, so I have considered the appeal on its own merits.
17. 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. There is also additional harm to the character and appearance of the landscape that, albeit could be mitigated to a degree via planning condition,

would still carry moderate weight. 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.

Other Matters

18. I have been made aware of the planning permissions at adjacent residential properties that have, amongst other things, been referenced for their height in this appeal. However, the extension or replacement of any dwelling in the Green Belt would only be permitted where paragraph 145 of the Framework is satisfied, as well as other development plan policies. It does not imply other developments that emulate the permitted schemes would be allowed.
19. The proposal was amended following pre-application discussions with the LPA, although the scheme remained for two storey dwellings. However, any revisions undertaken to the proposal prior to the submission of the application carry limited weight in this instance given the conflict with the Development Plan identified above.

Conclusion

20. The appeal is dismissed.

David Wallis

INSPECTOR