
Appeal Decision

Site visit made on 7 January 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 4th February 2020.

Appeal Ref: APP/G2245/W/19/3236757
Hever Hotel, Hever Road, Hever TN8 7NP

- 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 Hever Hotel Ltd. against the decision of Sevenoaks District Council.
 - The application Ref 19/01774/FUL, dated 7 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is described as 'Single storey extension for ancillary office at rear of function room – retrospective consent'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that the development had been completed. Therefore, I have determined the appeal on the basis that the development has already occurred.
3. The extension is attached to a function suite which itself is an extension to a Grade II listed building. I therefore have a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to national and local policies;
 - ii) the effect of the proposal on designated heritage assets; and
 - iii) 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 required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. National policy on Green Belt development is set out in the National Planning Policy Framework (the Framework). Paragraphs 143, 145 and 146 should all be read together and consequently, development in the Green Belt is inappropriate (and

only permissible under very special circumstances) unless it falls within the closed lists of exceptions set out in paragraphs 145 and 146.

6. One of the exceptions (paragraph 145c) is for 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. This is reflected in Policy GB8 of the Allocations and Development Management Plan 2015 (ADMP). Policy GB8 also requires that extensions do not materially harm the openness of the Green Belt. The appellant contends that it is inconsistent with the Framework as a result. The ADMP was however adopted after the 2012 Framework was published and was therefore consistent with its principles and policies. The wording in relation to extensions in the Green Belt was not changed in the revised 2019 Framework. The Policy follows the broad approach in the Framework and therefore remains consistent with it, so carries full weight.
7. Neither the Framework nor the ADMP quantifies what size of extension would not be disproportionate. However, when the function suite was granted permission in 2011¹, the Council found it to be a disproportionate addition to the original building and harmful to the Green Belt. In that case the Council considered that very special circumstances had been demonstrated which justified granting planning permission. The appeal proposal, while relatively small in footprint and volume, is a further addition to the already substantially extended building. Cumulatively with the previous extension, it results in disproportionate additions over and above the size of the original building and is not proportional or subservient to it.
8. Framework Paragraph 133 sets out that openness is one of the essential characteristics of Green Belts. Case law has established that when applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant, and that openness has a spatial as well as a visual aspect².
9. The function suite is already of excessive scale and bulk in relation to the original building. The extension further increases the footprint and volume of built form on the appeal site. It is visible from the road and reduces the gap between the function suite and the site boundary, diminishing the space around the building. Consequently, the extension has had a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing development, i.e. what was on site before the extension was built. While in isolation the extension only has a slight impact on openness, it exacerbates the harmful impact of the function suite in that respect and results in material harm to the openness of the Green Belt. Furthermore, it fails to safeguard the countryside from encroachment, one of the 5 purposes of the Green Belt set out in Framework paragraph 134.
10. The parties have drawn my attention to fencing along the road boundary and between the function suite and the site boundary, but dispute whether it is lawful. Irrespective of its planning status, given its limited height the presence of this fencing does not provide any significant screening of the extension, nor does it reduce its impact on the openness of the Green Belt.
11. The appellant suggests that the proposal should be considered as limited infilling of previously developed land (PDL). Framework paragraph 145g) provides that limited infilling on PDL is not inappropriate development where it would not have a greater impact on the openness of the Green Belt than the existing development. As the extension is immediately adjacent to the function suite which it serves, it can

¹ LPA reference 11/02331/FUL)

² Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

reasonably be considered to be within the curtilage of the larger, developed site, and is therefore on PDL.

12. There is no definition of 'infilling' in the Framework and the appellant disputes whether the definition in the Council's Supplementary Planning Document (SPD)³ can reasonably be applied to the appeal scheme. Nevertheless, irrespective of whether the proposal is infilling or not, for the reasons set out above the extension has a slight impact on the openness of the Green Belt. It therefore conflicts with Framework paragraph 145 g).
13. Overall on this issue I conclude that the extension conflicts with ADMP Policy GB8 and Framework paragraph 145. It therefore represents inappropriate development in the Green Belt. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt. It is therefore necessary for me to consider whether any other harm has been caused by the extension, and then balance the other considerations against the totality of that harm.

Designated heritage assets

14. Framework Paragraph 193 says that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. The function suite and appeal proposal are attached to the Grade II listed Hever Castle Stud Farm building. The listed building derives considerable significance from its historic function as part of the model farm complex to Hever Castle and from its rural setting. It derives further significance from its scale and intricate timber frame design, which make it a prominent part of this group of historic buildings.
16. The function suite is seen alongside the listed building and is linked to it by a low, flat roofed section. While this provides a degree of visual separation between the two, the function suite has nevertheless affected views of the listed building from the road and as such has altered its setting.
17. The extension is visible from the road and its somewhat utilitarian design does not relate well to the scale and form of the function suite or any other building on the appeal site. As such it detracts somewhat from the character and appearance of the area. This visual impact will however reduce over time as the external timber weathers.
18. In any event, the siting of the extension means that it is only seen in conjunction with the function suite, which separates it both physically and visually from the main part of the listed building. Consequently, the extension is not visible in views to and from the listed building and it therefore does not affect how that building is experienced. Accordingly, bearing in mind the existing substantial addition, I find that the extension has a neutral effect that preserves the special architectural and historic interest of the listed building and its setting, causing no harm to its significance. As such there is no conflict with ADMP Policy EN4 or the provisions of the Framework in relation to heritage assets.

³ Supplementary Planning Document Development in the Green Belt (2015), Paragraph 3.3

Other considerations

19. Framework paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 requires planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. Paragraph 144 requires however, that substantial weight is given to any harm to the Green Belt. Policy LO8 of the Local Development Framework Core Strategy 2011 (CS) supports development associated with rural tourism projects provided that it is compatible with policies for protecting the Green Belt.
20. The appellant refers to providing added employment opportunities for local people, however the application form states that no additional staff would be employed for the development. As such there is no substantive evidence that the extension has, or will, result in any benefit in terms of additional employment.
21. The appellant contends that supervision of conferences and functions is necessary, however there is no evidence before me to explain why the office approved as part of the function suite was inadequate for this purpose. Nor has any compelling need been demonstrated for additional office space to manage and administer those facilities. Furthermore, it is unclear why the additional office space, which the appellant describes as having provided for 'a more streamlined and efficient back of house operation for the hotel', needs to be immediately adjacent to the function suite. There are no reports, for example, of instances where problems or incidents required additional office staff present, despite the function suite seemingly having been in operation for several years.
22. It is very likely that the function suite has increased the hotel's offer and brought economic benefits. The Council's evidence is that the business report submitted in support of those facilities in 2011 made a robust case for such benefits, sufficient to constitute the very special circumstances necessary to grant permission for a development that harmed the Green Belt. In comparison, there is very limited evidence now before me to demonstrate that the appeal proposal has made, or would make, any additional or specific contribution to the growth and expansion of the business. Accordingly, I can give limited weight to the economic benefits of the extension.
23. The appellant contends that the ADMP is inconsistent with the Framework due to the lack of a policy regarding redevelopment of PDL in the Green Belt. Framework paragraph 16f) sets out that plans should avoid unnecessary duplication of policies, including those in the Framework. As such, the absence of a specific policy on PDL in the Green Belt does not reduce the weight to be given to policies of the ADMP.

Conclusion

24. The proposal is inappropriate development and whilst it has a neutral impact on the significance of the listed building, it materially harms the openness of the Green Belt. This harm must be given substantial weight. I find that the limited economic benefits and other considerations in this case do not clearly outweigh that harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with ADMP Policy GB8, CS Policy LO8, the SPD and the provisions of the Framework. Therefore, the appeal is dismissed.

L McKay

INSPECTOR