



Appeal Decision

Site visit made on 24 February 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/H2265/W/19/3242192

Rosador, London Road, Wrotham, Sevenoaks TN15 7RR

- 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 D Fitness against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/17/01793/FL, dated 26 June 2017, was refused by notice dated 16 August 2019.
 - The development proposed is the demolition of the residential bungalow and the erection of 6 x B1/B8 units, and a 2-storey office building with new estate road and associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site is located in the Green Belt close to Junction 2a of the M26 motorway. When facing the site from the A20, Nepicar Park industrial estate can be seen to the left which appears to include offices, warehouses and other commercial buildings. There is a single-storey chalet style bungalow 'Rosador' to the front of the site which is one of a number of residential dwellings that are set behind an access road, or pavements adjacent to the three-lane London Road (A20), beyond which there are open fields lined by hedges.
4. The plot is a relatively long strip of land that includes a partially made central service road and fenced garden areas for 'Rosador'. The main body of the plot includes open storage, parking and accommodation for a range of established commercial type activities. The rear of the site includes a stream and pond, and a field can be seen to the left-hand side. To the right of the site there is another single-storey bungalow.

5. The proposal is to demolish the existing bungalow and to construct 6 new commercial units, and a two-storey office with parking, which would be connected by a new road with access improvements. The units would be built in similar materials to the buildings seen in Nepicar Park.
6. The National Planning Policy Framework (the Framework) states in Paragraphs 143-147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. All development is inappropriate unless an exception can be demonstrated under Paragraph 145 of the Framework.
7. In this case the appellant contends that Paragraph 145 (e) and 145 (g) of the Framework, which say respectively, that exceptions include limited infilling in villages, or limited infilling or the partial or complete redevelopment of previously developed land are relevant. I concur with the Council that the site is not set within a village location, rather it forms part of a string of urban style development facing the A20.
8. However, I noted from my site visit that the site appears to have been used for commercial purposes for a number of years, and therefore meets the exceptions requirement set out in Paragraph 145(g) of the Framework as it is clearly previously developed land that includes a bungalow and a range of commercial structures and uses to the rear. However, Paragraph 145 (g) of the Framework also requires that development must not have a greater impact on the openness of the Green Belt than the existing development.
9. The proposed range of buildings, including a two-storey office, would supersede the existing single storey dwelling and the modest open structures on the site. As such, the proposal would be substantially larger and more noticeable from the surrounding Green Belt context.
10. Notwithstanding the extensive transport links nearby and the adjacent commercial buildings, the considerable scale and mass of the development in this particular location would affect the openness of the Green Belt that is seen to the front and rear of the appeal site. I conclude therefore, that the proposal is inappropriate development that would materially harm the openness of the Green Belt and must be afforded substantial weight.
11. Therefore, the proposal conflicts with Policy CP3 of the Tonbridge and Malling Borough Council, Local Development Framework Core Strategy 2017, which says that National Green Belt policy will be applied generally and Paragraphs 133 and 134 of the Framework which require that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, and include one of the five Green Belt purposes which serves to assist in safeguarding the countryside from encroachment.

Other Considerations

Very special circumstances

12. The main parties agree that there is no other planning harm related to the proposal. However, inappropriate development and harm to openness is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework requires that substantial weight is given to any harm to the Green Belt.

13. Moreover, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. The appellant contends that there are a number of 'very special reasons' why the development should be permitted. Nonetheless, despite the proposed materials which would match the adjacent Nepicar Park, I can only give limited weight to the appearance of the proposal as it would be of an urban-style nature. Although the proposal also includes improved highway connections, I have no substantive evidence to suggest that these would be particularly beneficial in this case. As such, I can afford this matter only limited weight. Similarly, whether the location of the existing dwelling is in a desirable residential area or not this is a matter of personal choice. I therefore afford this consideration minimal weight.
15. I acknowledge that there is an insufficient supply of industrial land in the Borough, and that there is a high demand for smaller employment units in the area which is reinforced by the Tonbridge and Malling Borough Council, 'Update of employment land needs in Tonbridge and Malling 2017' (UELN). However, while I accept that there would be some benefit from the provision of smaller employment units and the associated jobs created, I conclude that the provision would be minimal against the quantum required as set out in the UELN. Indeed, I have insufficient specific evidence that suggests that the proposal would offset the loss of employment space at other sites in Borough Green or the wider Borough area. I therefore attach little weight to the benefit of the proposal in this respect.

Conclusions

16. The Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. I have found that the proposal is inappropriate development that would erode the essential characteristics of openness and one of the five purposes of the Green Belt.
17. Moreover, having considered all matters raised in support of the proposal I conclude that they do not outweigh the harm I have found in relation to the Green Belt. Accordingly, very special circumstances do not exist and the proposal is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies when considered as a whole, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR