



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: 24 April 2020

Appeal Ref: APP/G2245/W/19/3242228

Stursdon Farm, Row Dow Lane, Knatts Valley TN15 6XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Cairns against Sevenoaks District Council.
 - The application Ref: 19/02111/FUL, dated 9 July 2019, was refused by notice, dated 18 September 2019.
 - The development proposed is the demolition of the existing dwelling and the erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Cairns against Sevenoaks District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The appellant has submitted an amended drawing PLO4C for consideration in respect of the appeal. As this relates to the extent of the proposal, including the removal of the existing outbuildings, I see no reason not to include it. I have proceeded accordingly.

Main Issues

4. 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,
 - 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

5. Stursdon Farm is located in the Green Belt on a generous tree-lined plot set back from Row Dow Lane and adjacent to open fields.

6. The appeal site has an existing rendered bungalow with a conservatory facing towards the fields on one side, and an attached timber-faced single-storey extension that faces Row Dow Lane on the other side where there are fields beyond. There is a window to the front gable which appears to service a useable space beyond. The proposal is to demolish the bungalow and construct a four-bedroom residential dwelling.
7. The National Planning Policy Framework (the Framework) sets out in Paragraphs 143-147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. All development is inappropriate unless an exception can be demonstrated under Paragraph 145 of the Framework.
8. In this case the appellant contends that Paragraph 145 (d) of the Framework applies, in respect of the 'existing' building, which says that exceptions include: 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
9. However, Policy GB4 (d) of the Sevenoaks District Council Allocations and Development Management Plan 2015, (SDCADM) requires that replacement dwellings in the Green Belt must not result in an increase of more than 50% above the floorspace of the 'original' dwelling.
10. Given that there is an inconsistency between the adopted development plan (2015) and the Framework (2019), in so far that the former seeks comparison with the 'existing' building and outbuildings, and the latter seeks comparison with the 'original' building shown on the 1938 plans, the more recent adoption of the Framework, including Paragraphs 213¹ and 145, is of greater relevance in this case. Therefore, I concur with the appellant that the dwelling seen on site should be considered as the relevant building form in this case.
11. As such, the Framework requires that a new building would be of the same use. Indeed, the proposal is for a residential dwelling. Further that a new building should not be materially larger than the one it replaces, including the 50% additional floorspace stated in Policy GB4 of the SDCADM. In this case the external area of the proposed building (341sqm) has been calculated below this floorspace threshold (506.24sqm) which includes the first-floor area located behind the upper gable window.
12. However, consideration of whether a development is 'materially larger' as described in Paragraph 145 of the Framework is not restricted solely to floorspace. There are other considerations which depend on the circumstances of the case. For example, in this case the proposal seeks the replacement of a shallow roofed bungalow with a building that appears to be a part two-storey dwelling of considerable height, bulk and mass that includes an increased ridge height, dormer windows, gable ends and the addition of chimneys, all of which would be disproportionate in comparison to the existing building. I conclude therefore, that the development would be inappropriate development in the Green Belt.

¹Paragraph 213 of the National Planning Policy Framework 2019 states that: 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

Openness

13. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. In addition to the demolition of the bungalow, the outbuildings would also be removed. However, the visual appearance of the new dwelling would be significantly different from the existing building which is of a more modest, 'low-key' appearance. As such, the appearance of the proposed development would present a stark building that would be in sharp contrast to the existing building. Hence, the proposal would have a visual impact on the Green Belt in comparison to the existing dwelling. As such, I conclude that the proposal is inappropriate development that would materially harm the openness of the Green Belt.
14. Accordingly, the proposal conflicts with Policy GB4 of the SDCADM which says that replacement dwellings should not, by virtue of design and volume, materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. Furthermore, the proposal is contrary to Policies L01 and L08 of the Sevenoaks District Council Core Strategy 2011, which say, that development will only be supported if it is compatible with Policies for protecting the Green Belt, which include, Paragraph 134 (c) of the Framework which identifies five purposes of the Green Belt, one of which is relevant in this case; to assist in safeguarding the countryside from encroachment.

Other Considerations

15. 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. 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.
16. The appellant says that the proposal has not raised any objections in terms of design. This is noted, but this does not overcome the Green Belt issues identified above and is therefore, afforded limited weight.
17. I acknowledge the proposal includes the removal of the two existing outbuildings. However, this does not take into account that 'openness' is more than just a two-dimensional consideration. As such, I afford this aspect of the proposal little weight.
18. I note the submission of an appeal decision related to Meechland Farm². However, this appears to have been decided under previous planning policy (2014) and is therefore of limited relevance.
19. My attention has also been drawn to the Supreme Court Judgement³ provided by the appellant. However, the judgement clearly relates to a very different form of development in another Local Planning Authority. Accordingly, it is of very limited relevance to this case, and does not justify the harm to the Green Belt set out above.

² APP/G2245/A/14/2221943

³ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) 5th February 2020.

Green Belt balance

20. 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. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate that very special circumstances exist.

Conclusions

21. Having considered all matters raised in support of the proposal I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, 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