
Appeal Decision

Site visit made on 26 May 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 June 2020

Appeal Ref: APP/G2245/W/19/3242920
Hurstgrove, Castle Hill, Hartley DA3 7BQ

- 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 Ms J. Holmes against the decision of Sevenoaks District Council.
 - The application Ref: 19/00946/FUL, dated 26 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the demolition of existing buildings and structures, erection of a detached single storey dwelling, and improvements to access
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, and the effect of the proposal upon the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the development is inappropriate, and effect on openness

3. The appeal site consists of an area of land to the rear of Hurst Grove. The site contains some relatively small built structures. To the rear of the appeal site is a footpath, which is also surrounded by some trees. Beyond the path is open countryside. Hurst Grove is located within a line of dwellings. Although these dwellings are constructed to different designs, they are all set back from the highway edge by a similar distance.
4. Paragraph 145 of the Framework states that the erection of new buildings in the Green Belt is generally considered inappropriate and should therefore be avoided. However, the same paragraph provides some exceptions when a specific set of circumstances apply.

5. From the evidence before me, I consider that the issues in dispute relate to whether the development is a limited infill in a village, and whether it represents the suitable redevelopment of previously developed land.
6. The Council's Development in the Green Belt Supplementary Planning Document (2015) (the SPD) states that boundaries are drawn around the edges of settlements where there is a clear break in the character of development. Castle Hill consists of individually designed dwellings arranged in a line on one side of the road. The opposite side of Castle Hill is relatively undeveloped. This contrasts with the more built up form of Hartley. In consequence, the site is located beyond a settlement boundary.
7. In addition, the appeal site is set back from this linear form of development. In consequence, the site cannot be considered to being part of a village. It follows that the development cannot represent a limited infill within a village. This contributes to an inappropriate form of development.
8. Given the presence of permanent structures, the site can be considered to be previously developed. The Framework states that new buildings might not be inappropriate. However, this is subject to the caveat that the new scheme should not have a greater effect on the openness of the Green Belt.
9. In this case, there are several buildings on the site. However, these are relatively small, located in different proportions of the site and partly underground. In contrast, the proposed dwelling would not feature any underground elements and would be located within one single portion of the site. The effect of this is that a development of a much greater mass would be apparent. The proposed dwelling would be viewed alongside an access road, car parking and manoeuvring spaces. This means that whilst there would be less site coverage, the overall development would be more noticeable and would lead to an erosion of the spatial sense of openness that currently defines the site.
10. In addition, the proposed dwelling, car parking, access road and vehicle manoeuvring areas would be clearly visible from the footpath that runs to the rear of the site. This path currently has an open and verdant character owing to it being surrounded by land containing relatively few built structures. Those structures that do exist generally have limited heights and footprints. The introduction of an additional dwelling and associated infrastructure would erode this characteristic. The development would therefore have an adverse effect on the visual character of openness that is prevalent in this location.
11. This is particularly concerning as the appeal site currently forms a transitional space between the form of dwellings in Castle Hill and the countryside beyond, and therefore the proposed development would have a notable effect on openness, particularly as there is a footpath next to the rear boundary.
12. Therefore, the proposed development would have a greater effect on openness than the existing structures. In addition, the evidence before me is not indicative that the development would be made available for occupation on affordable tenures.
13. In consequence, I conclude that the proposed development would have an adverse effect upon the level of openness within the Green Belt and would represent an inappropriate form of development. The development, in this

regard, fails to accord with the requirements of Policy L01 of the Sevenoaks District Council Local Development Framework Core Strategy (2011); the SPD; and the Framework. These, amongst other matters, seek to ensure that the development will only take place where it is compatible with policies for protecting the Green Belt.

Other considerations

14. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the 'tilted balance' as outlined in paragraph 11(d) of the Framework applies. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.
15. Whilst the development would deliver an additional dwelling, the benefits of the development are limited due to the scale of the development. Furthermore, any benefits to the local economy would also be relatively small owing to the quantum of development and localised in impact. Accordingly, I can only give the benefit to the local housing supply a limited amount of weight.
16. The appellant has suggested that the proposed development would result in a reduction in the level of built form at the site and improve the site's appearance. Even if I were to agree with these conclusions, the proposal would result in an agglomeration of buildings in a more prominent form. This means that I can only give this matter a limited amount of weight. I also note that the proposed development includes the provision of a passing place within Castle Hill. Owing to the narrow width of this road, I consider that this would be of a benefit, albeit limited owing to the scale of the development.
17. I acknowledge that the site is located in the Parish of Fawkham and, therefore, potentially not within the settlement of Hartley. However, by common agreement the site is within the Metropolitan Green Belt and, in consequence, I am compelled to assess the development in respect of its effects. I therefore only give limited weight to the specific parish in which the development is sited.

Planning Balance and Conclusion

18. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
19. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development. In consequence, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR