



Appeal Decision

Site visit made on 16 June 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 01 July 2020

Appeal Ref: APP/H2265/W/18/3195513

Snoll Hatch Cottage, 41 Addlestead Road, East Peckham, Tonbridge, Kent TN12 5DP

- 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 Fraser Payne against the decision of Tonbridge & Malling Borough Council.
 - The application Ref: TM/17/01577/FL, dated 6 June 2017, was refused by notice dated 11 August 2017.
 - The development proposed is the change of use of land from agricultural to residential curtilage.
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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 is located on the edge of East Peckham within the Metropolitan Green Belt. Dwellings are generally arranged in a linear form and face the highway. Gardens fill the space between dwellings and the open countryside beyond. Next to the appeal site is a field, which can be crossed via a footpath. The general topography within the vicinity of the site is relatively level.
4. Paragraph 146 of the Framework identifies certain types of development as not being inappropriate in the Green Belt. These include the material change of use of land, for purposes such as recreation. Given that an enlarged garden is likely to be used for leisure purposes by the occupiers of the dwelling, the development would fall within this category. However, the same paragraph of the Framework is clear that any development permitted should not conflict with

the purposes of including land within the Green Belt or adversely affect its openness.

5. Amongst other reasons, the Framework states that one of the purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment. The proposed development would increase the curtilage of the dwelling, which would result in a loss of some agricultural land and its replacement with a domestic garden. This would, in effect, extend the settlement of East Peckham into the countryside.
6. In addition, as a domestic garden, there is a possibility that, in the future, residents might wish to use the proposed garden area for planting. Such plants could be of a domestic species and scale that are different to those found within the fields and hedges that surround the site. I have given consideration as to whether a condition could be imposed regarding the provision of landscaping. Whilst such a condition would allow for the Council to approve a landscaping scheme, this would not prevent such landscaping being supplemented by planting of an inappropriate, or more domestic, appearance in the future.
7. Therefore, whilst I have noted the intention of the appellant to keep the appeal site as a grassed area, the fact that this cannot be guaranteed in the future leads me to conclude that the proposal would represent an encroachment into the countryside.
8. As a domestic garden, occupiers of the site would benefit from permitted development rights to install a number of structures, such as boundary treatments, enclosures and outbuildings without requiring planning permission to be granted. Such structures have the potential, either individually or in unison, to erode the spatial sense of openness that is a defining character of the Green Belt.
9. In addition, the level topography of the area combined with the relatively low boundary treatments that are present at the site and the adjoining field means that any structures would be particularly prominent and visible from Addlestead Road and the footpath that runs through the field next to the appeal site. In consequence, such structures would erode the visual sense of openness that is prevalent within the area surrounding the appeal site.
10. I have considered whether a condition could be imposed that would remove such permitted development rights. However, due to the types of development that could be carried out, such a condition would need to be very broad in scope. I am not aware of any section of the Framework which advocates such a broad removal of permitted development rights. In addition, the National Practice Guidance states that such a condition should only be applied in exceptional circumstances. Given the nature of the development, and the evidence before me, I do not believe that these exceptional circumstances would apply to the appeal proposal.
11. Furthermore, such a condition would not cover the placing within the proposed garden area of paraphernalia that fall outside of the definition of development. These could potentially be in place for a substantial period of time and would have an adverse effect on openness. Whilst similar structures might be placed on agricultural land, the fact that the appeal site would become a garden means that the likely frequency of such activities would increase. I therefore

believe that such a condition would not be reasonable and would not mitigate the effects of the development.

12. I conclude that the proposal would be inappropriate development within the Green Belt, as it would conflict with the reasons for including land within it and would erode openness within the vicinity. The development, in this regard, would fail to accord with the requirements of Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy (2007). This policy, amongst other matters, seeks to apply the requirements of national Green Belt policy to proposed developments.

Other matters

13. The site may have some excessive plant growth, which would be removed in the event of the proposed development proceeding. However, the existing appearance of the site does not have the same effect on openness as the proposed development would have. The proposed development would be adjacent to a Listed Building. Whilst the development might enhance the setting of this heritage asset, the effect is limited owing to the scale of the development. Furthermore, the evidence before me is not indicative that the proposed development would reinstate an original property boundary. Owing to the relatively small benefits arising from these points, I can only attribute each of them a limited amount of weight.
14. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that in general, planning decisions need to be taken in the public interest. Therefore, I can only give this matter a limited amount of weight.

Planning Balance and Conclusion

15. 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.
16. 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