The Planning Inspectorate

Appeal Decision

Site visit made on 29 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/G2245/D/20/3247282
East Cottage, Hosey Common Road, Westerham TN16 1PP

- 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 P Bevis against the decision of Sevenoaks District Council.
- The application Ref 19/03357/HOUSE, dated 29 November 2019, was refused by notice dated 10 February 2020.
- The development proposed is a replacement detached garage.

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 (the 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 the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site is located in the Green Belt and the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB), on the tree lined Hosey Hill which is accessed via a raised gateway from Hosey Common Road. 'East Cottage' forms part of a terrace of brick and tile, cottage-style properties with the neighbouring dwellings of 'Hilcote' and 'The Old House', which are set down from their front garden boundary, and surrounded by mature trees and hedges. The neighbouring cottages have hipped roof, barn-style garages with blank rendered elevations adjacent the gravelled access path, and the host dwelling has a shallow roofed, timber garage to its front boundary with wooden doors facing onto the track and the trees beyond. To the right of an open LPG storage enclosure attached to the existing garage, there is a gate which leads to the downward sloping, stepped garden path of 'East Cottage' from which the rear windows of the garage can be seen.

4. The proposal is to demolish the existing garage and construct a new garage with a front roller door access, rooflights, side and rear windows, an oil tank enclosure, and stone steps with a timber-hand rail leading to a side door.

5. 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.

6. The main parties agree that the proposal represents an ancillary building to the host dwelling. As such, given that the replacement garage would have a floor area approximately 40% larger than the existing structure, the appellant contends that Paragraph 145 (d) of the Framework applies, 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'. However, consideration of whether a development is 'materially larger', as described in Paragraph 145 of the Framework, is not restricted solely to floorspace, depending on the circumstances of the case.

7. In this instance, notwithstanding the 'heritage design' and materials that accord with the surrounding development, the proposal seeks the replacement of a shallow roofed garage with a building of considerable height and bulk in comparison to the existing building, that would include a hipped roof and an oil tank enclosure. I conclude therefore, that the proposal would be inappropriate development in the Green Belt.

Openness

8. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. I acknowledge that the neighbouring properties have barn-style garages with hipped roofs. However, while the heritage style proposal is located approximately on the site of the existing garage, the visual appearance of the new garage, that includes a roller door facing the track, roof lights, a side window, a pitched roof, a railed and stepped access, and an oil tank enclosure, would be significantly different from the existing and neighbouring garage structures which are of a more modest, 'low-key' appearance with minimal fenestration facing the terraced dwellings.

9. Moreover, the fact remains that the Council's adopted SPD says that in order to minimise the impact of outbuildings on the openness of the Green Belt a proposal must not exceed at total of 40 sqm. In this instance, while the increase is relatively small, the proposal is for a 42 sqm garage which exceeds the parameters set out in the SPD.

10. As such, the appearance of the proposed development would present a bulky building that would be in sharp contrast to the existing garage, and hence have a visual impact on the Green Belt in comparison to the existing simple structure. Therefore, I conclude that the proposal is inappropriate development that would materially harm the openness of the Green Belt.

11. Consequently, the proposal conflicts with Policy GB3 of the Sevenoaks District Council Allocations and Development Management Plan, 2015 which requires that ancillary buildings should not materially harm the openness of the Green Belt through excessive bulk or visual intrusion, which is supported by the SPD which says that, in order to minimise the impact of outbuildings on the openness of the Green Belt, the Council will seek to restrict any outbuildings to a limit of 40m2.

12. Furthermore, the proposal is contrary to 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

13. 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.

14. The heritage style of the extension, proposed materials and screening accord with the surrounding buildings, including the host dwelling, and would have little effect on the AONB. As such, I afford this moderate weight.

15. The location and proximity of the proposal, including any landscaping, fencing or screening, would have a similar relationship to the host dwelling and neighbouring properties. Therefore, I afford this negligible weight.

16. My attention has been drawn to a permission[1] and a previous appeal decision[2]. However, I have little detail of either of those schemes before me. Accordingly, I have considered the proposal on its own planning merits, and hence apportion this minimal weight.

Conclusions

17. 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 which would erode the essential characteristics of openness and permanence of the Green Belt. Moreover, 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. 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

[1] 16/01949/HOUSE
[2] APP/G2245/D/17/3173786