



## 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**

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**Appeal Ref: APP/G2245/D/20/3245473**

**Evington, London Road, Halstead TN14 7DR**

- 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 V Cleary (B&C Developments Ltd) against the decision of Sevenoaks District Council.
  - The application Ref 19/03023/HOUSE, dated 25 October 2019, was refused by notice dated 23 December 2019.
  - The development proposed is a single storey rear extension, enlargement of existing loft conversion with formation of a rear dormer, installation of Velux rooflights and conversion of garage into a habitable room.
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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 (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 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. 'Evington' is located in the Green Belt and is a detached bungalow that is set back from the highway behind hedges and mature trees. To the rear of the appeal dwelling there is an extended back garden that is bordered by neighbouring gardens and wooded and open land.
4. The proposal is to construct a single storey extension to the host dwelling with a rear dormer, a loft conversion, rooflights, and to convert the garage into a habitable room.
5. The *National Planning Policy Framework* (the Framework) sets out clearly in Paragraphs 143-147 that unless an exception can be demonstrated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist.

6. The main parties agree that the proposal is inappropriate development in the Green Belt. Moreover, that it would result in an increase greater than 50% above the floorspace of the 'original' building, which is contrary to Policy GB1 of the Sevenoaks District Council Allocation and Development Management Plan 2015 (SDCADMP), which says that a proposal in the Green Belt, including any previous extensions, alterations and outbuildings, should not result in an increase of more than 50% above the floorspace of the 'original' dwelling. Indeed, the proposal seeks substantial extensions to the host dwelling of considerable height, scale and mass that would appear disproportionate in comparison to the existing dwelling. I concur therefore, that the proposal would be inappropriate development in the Green Belt as set out in Paragraph 145 (c) of the Framework, as it would represent the extension or alteration of a building that results in a disproportionate addition over and above the size of the original building.

### *Openness*

7. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. As such, notwithstanding the set-back and soft landscaping to the front of the dwelling, the proposal would significantly alter the visual appearance of the host dwelling, which is a modest bungalow of a 'low-key' appearance, with a relatively long garden that helps the transition to the wooded and open land to the rear.
8. Therefore, although the loss of openness that would be directly attributable to the appeal scheme would not be great in itself, the bulk and mass of the proposal, which would be clearly evident to the side and rear of the host dwelling in comparison to the existing dwelling, would be overly prominent and have a visual impact on the Green Belt. As such, I conclude that the proposal is inappropriate development that would materially harm the openness of the Green Belt.
9. Consequently, the proposal is in conflict with Policy GB1 of the SDCADMP, which says, amongst other things, that development should not materially harm the openness of the Green Belt through excessive, scale, bulk or visual intrusion.
10. For similar reasons, 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**

11. 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.
12. The proposal would accord with the character and appearance of the area and the amenity of the neighbours would likely be unchanged. I, therefore, afford this moderate weight.

13. My attention has been drawn to an existing approval and a lawful development certificate for not yet built extensions to the appeal dwelling<sup>1</sup>. The appellant submits that he would forgo these approved extensions, by means of a suitable condition, in favour of the proposed scheme. However, whether the proposal before me would have a 'more logical and appropriate design and layout' in comparison to those extensions or not, the fact remains that the proposal would be inappropriate development that would harm the openness of the Green Belt. Therefore, I assign this negligible weight.
14. The appellant highlights in his statement of case an appeal decision related to the neighbouring property of Dallington, London Road, Halstead. However, I have little evidence before me that sets out the detail of that case, including information about the proportions of the proposed development in relation to the original building. Accordingly, I give this little weight.

### **Conclusions**

15. 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.
16. 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

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<sup>1</sup> 19/01267/LDCPR and 19/02223/PAE