The Planning Inspectorate

Appeal Decision

Site visit made on 9 October 2020

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/H2265/D/20/3251375
Wrotham Park, Park Drive, Wrotham, TN15 7BZ

- 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 Ben Porritt against the decision of Tonbridge and Malling Borough Council.
- The application Ref: TM/20/00220/FL, dated 24 January 2020, was refused by notice dated 26 March 2020.
- The development proposed is the erection of a garage, tack room, home office and residential annexe.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development on the both the application from and decision notice makes reference to a residential annexe. The appellant, in his appeal statement, indicates that such reference is an error. Whether or not a garage and home office in this context can constitute a residential annexe or part thereof has not had a bearing on my decision.

Main Issues

3. The main issues in this case are:

   - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.
   - The effect on the openness of the Green Belt.
   - The effect of the proposal on the character and appearance of the open countryside around Wrotham Park.
   - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. Wrotham Park is a large detached dwelling set in extensive grounds in open countryside to the south east of Wrotham. It is part of a small group of detached houses that are accessed by a private road off the A227.

5. The appeal property is a wide-fronted house sited towards the middle of the curtilage, with a long driveway and turning circle to the front and large gardens to the rear. The driveway runs through a wooded area with mature trees which then opens out into the turning circle with lawns, shrubs and trees to the front of the house. There is a triple garage building to the front of the house, close to the boundary with the neighbouring property to the north.

6. The proposed development would take the form of an outbuilding containing a single garage, a tack room, a home office and a wood store. The home office would include a toilet and a small kitchenette space, and the plans show a hatch above the wood-store which I take to indicate possible access to a loft area. The building would have a footprint of a little over 60 sq metres and an internal floorspace of around 54 sq metres. It would have a half-hipped roof and a somewhat rustic overall design, although there would be an up-and-over garage door, a tack room door, and large full height windows to the home office, all within the eastern elevation. It would be sited adjacent to the turning circle at the western edge of the site, some distance from the house.

Whether the proposal would be inappropriate development in the Green Belt

7. Policy CP14 of the Tonbridge and Malling Borough Council Core Strategy (CS) indicates that in the countryside, development will be restricted to a number of specific situations. One of these categories relates to 'appropriate' extensions to an existing dwelling. The policy goes on to indicate that within the Green Belt, inappropriate development which is otherwise acceptable within the terms of the policy will still need to be justified by very special circumstances.

8. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to add that when considering any planning application, local planning authorities should ensure 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.

9. Paragraph 145 of the Framework indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with certain exceptions. One of these stated exceptions relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this case, it is necessary to determine whether the proposed outbuilding should be considered as an extension or alteration to the dwelling, and if so, whether it would represent a disproportionate addition.

10. Although the CS predates the Framework, the general thrust of Policy CP14 is consistent with the guidance in the Framework, and it should therefore be afforded substantial weight.

11. The appellant contends that an outbuilding can be considered as an extension to a building and has referred to three appeal decisions where such a contention has been supported by the planning inspector. In one example (Refs: 3215848 and 3207591) the outbuilding was apparently connected to the main building by a raised decking; in another (Ref: 3209118), although details are sketchy, it would appear that the proposed garage and store were relatively close to the dwelling; and in the third (Ref: 3183471) the proposed garage was held by the inspector to be reasonably close to the house. In this case, the proposed outbuilding would be around 80 metres from the house, and I consider this to be too far distant to be considered an extension. On this basis, I find that it would be inappropriate development, harmful to the Green Belt, and I afford this harm substantial weight. The issue of whether it would be a disproportionate addition does not arise, and I must now, therefore, consider whether the harm is clearly outweighed by other considerations.

Effect on openness

12. Paragraph 133 of the Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence.

13. The proposed outbuilding would be a small, though not insubstantial, building in the Green Belt. It would be sited well away from any other buildings and would have some, albeit limited, harmful impact on the openness of the Green Belt. Moreover, I note from the appellant's Arboricultural Report that, because of its scale and position, a number of trees would be removed in order to construct the outbuilding. Whilst these trees apparently have little value in themselves, their removal would leave the outbuilding flanked by two large trees, but with no other trees along this part of the site boundary. The submitted plans show the proposed outbuilding close to the boundary and with doors in each of the elevations, such that it is clear that circulation space around the building would be important. On this basis, I have concerns that there would be insufficient land to the rear of the building to provide effective visual screening, such that the building would likely become a new and somewhat intrusive feature in the landscape surrounding Wrotham Park, where the buildings are otherwise well screened by the mature tree cover.

14. In the light of the above, I find that the proposed outbuilding would be harmful to the openness of the Green Belt on both spatial and visual grounds. By virtue of the relatively small scale of the proposed building, this harm would be only limited, but there would be some harm nevertheless.

Character and appearance

15. The Council contends in its decision notice that the proposed outbuilding, by virtue of its siting, design and overall size, scale, and bulk, would be detrimentally harmful to the appearance of the dwelling and site, and the rural amenities of the locality. Policy CP24 of the CS indicates that development must, through its scale, siting, character and appearance, be designed to respect the site and its surroundings.

16. The outbuilding would be sited well away from the main house and would appear isolated from any buildings within the Wrotham Park complex. While it would have certain design characteristics that would complement the design of

the main house, it would also have a large amount of glazing on the front elevation, which would appear incongruous in its context. Furthermore, as mentioned above, I have concerns that the current dense boundary landscaping, characteristic of the area, would be lost in the vicinity of the outbuilding by the removal of trees, and that this would result in the building being readily visible in the landscape. Whilst the scale of this impact would be very small, nevertheless it would be harmful, and this would add to the harm already identified above with regard to the Green Belt. It would also, on this basis, conflict with Policy CP24 of the CS.

Other consideration

17. The appellant contends that the scale of the existing house and curtilage would permit substantial permitted developments to take place to the side and rear of the house. This, it is argued, could be more harmful to the Green Belt than the construction of the proposed outbuilding. Moreover, the appellant has indicated a willingness for permitted development rights to be withdrawn by condition, if permission were to be granted for this current proposal. Finally, he indicates that should the proposal be refused, he will implement the fallback option of development to the side/rear of the property utilising permitted development rights.

18. The Council contends that there is no realistic prospect of the outbuilding being constructed in the rear garden (i.e. permitted development rights implemented) and that the permitted development fallback position is nothing more than theoretical and should not be relied upon.

19. There are certain issues here. Firstly, the appellant has noted that the proposed site is the most convenient because it is nearest to where his horses are in pasture. However, I have no details before me of the location of any existing tack room facilities or why the proposed site is most convenient, given that there would appear to be no direct access, existing or proposed, from the nearby pastures to the location of the outbuilding.

20. Secondly, the proposed building would include a garage and tack room and, since this would require vehicular access, it would seem, on the face of it, to effectively preclude a convenient location in the rear garden. It would appear that only a position to the side of the house might be possible and, whilst this would be more closely related to the house, I am not convinced, on the evidence before me, that this location would have the space necessary. Moreover, in such a situation, it would require additional engineering works from the driveway to access the garage, which would increase as the distance from the existing driveway increased, with potential detriment to openness.

21. In the light of the above, I am not convinced that there is a realistic possibility of the proposed outbuilding being constructed to the side or rear of the house using permitted development rights. Accordingly, I find that the fallback position cannot be relied upon.

22. The appellant also suggests that over time, permitted development rights might be exercised in the side/rear garden anyway, and that a condition to restrict such rights could prevent substantial development in the future. However, there is no actual evidence that this would happen and this potential scenario therefore remains theoretical.

Conclusion

23. In conclusion, I find that the considerations put forward by the appellant, including design/siting matters and the contention regarding the fallback position, do not clearly outweigh the harm to the Green Belt and other harm that would be caused by the proposal, and that there are, therefore, no very special circumstances to justify this inappropriate development. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR