
Appeal Decision

Site visit made on 20 October 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/G2245/W/20/3253708

Westwood Farm, Scabharbour Road, Sevenoaks Weald TN14 6NL

- 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 Mrs Sarah Chatten against the decision of Sevenoaks District Council.
 - The application Ref 19/02973/FUL, dated 17 October 2019, was refused by notice dated 30 January 2020.
 - The development proposed is change of use from silage storage to storage of vehicles.
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Decision

1. I dismiss the appeal.

Main Issues

2. The site is within the Metropolitan Green Belt and the main issues are;
 - Whether the proposal is for inappropriate development in the Green Belt having regard to national and local policy.
 - The effect of the proposal on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty.
 - The weight to be attached to other considerations.
 - The Green Belt and planning balance; whether the harm is clearly outweighed by other considerations, and if so, would this amount to the very special circumstances required to justify the grant of permission.

Reasons

Green Belt

3. Chapter 13 of the 2019 National Planning Policy Framework sets out Green Belt policy, and paragraph 133 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are set out in paragraph 134. In considering proposals affecting the Green Belt, paragraphs 143 and 144 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which 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.

4. Framework paragraph 146 lists certain forms of development that are not inappropriate, provided they preserve openness and do not conflict with the purposes of including land within the Green Belt, and the list includes material changes of use. The web-based Planning Practice Guidance states that assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case, which may include, but not be limited to: the visual impact of the proposal and its volume; the duration of the development, and scope for remediation; and the degree of activity likely to be generated, such as through traffic (Paragraph: 001 Reference ID: 64-001-20190722).
5. The proposal is for a change from agriculture to the storage of cars, and section 9 of the Application Form refers to 30 vehicles. At the time of the site inspection 3 cars were in place behind secure 'Heras' style fencing, with some bales stacked to the north end of the site. The existing use is described as the storage of silage bales for cattle feed, but under an agricultural use need not be restricted to that and the Council refer to an aerial photograph showing the storage of agricultural equipment.
6. Whilst both the existing and the proposed use could result in change during the year and over time, indicated by the limited number of cars in place when visited, the risk is of a marked and noticeable reduction in openness through the storage of cars and this would be exacerbated through any attempt, as was seen, of screening, even with agricultural features. The proposal would also conflict with the purpose of the Green Belt of assisting in safeguarding the countryside from encroachment.
7. It is concluded that the proposal would be inappropriate development in the Green Belt through an adverse effect on openness and a conflict with one of the purposes of including land within the Green Belt.
8. Before consideration of whether very special circumstances exist, it is necessary in accordance with paragraph 144 to identify whether there is any other harm.

Character and Appearance

9. Policy LO8 of the Sevenoaks District Council Core Strategy states that the distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, will be conserved and enhanced, and that development that supports the maintenance and diversification of the rural economy and the vitality of local communities will be supported provided it is compatible with policies for protecting the Green Belt and the Area of Outstanding Natural Beauty. Policy EN5 of the Sevenoaks District Council Allocation and Development Management Plan echoes the statement in paragraph 172 of the Framework that the Area of Outstanding Natural Beauty is to be given the highest status of protection.
10. The agricultural use could be varied but would retain a rural character and appearance to the land, particularly as it is so clearly associated, both visually and operationally, with the farmstead. The site is seen from the Public Right of Way to the north, partly at low level where it crosses the farm track, but more

clearly as the path rises over the field to the far gate, at a position just in front of the large tree. Beyond that the hedgerow and the bungalow intervene. Nevertheless, a view was possible of parked cars and there would be a risk of reflection drawing the eye. The bales in place provide shielding but for the reasons set out above, their permanent placement would appear intrusive, while screening or softening through planting of Hornbeam as suggested would only hide the harm. In view of the high level of protection afforded the Area of Outstanding Natural Beauty, the conclusion is that harm would be caused, and that the proposal is contrary to Policies LO8 and EN5.

Other Considerations

11. The appellant has not specified any benefits, although the use presumably provides an income stream and furthers the aims of farm diversification which are supported in national policy, but subject to the effects. The arrangement must be mutually beneficial and presumably a secure storage facility for high value and vulnerable items such as new cars plays a part in the economic wellbeing of the dealer and secures employment. Limited weight attaches to these considerations however, particularly in the absence of substantial evidence of the economic or security benefits or why the use necessitates a Green Belt location or one in the Area of Outstanding Natural Beauty.

The Green Belt Balance

12. Paragraph 144 of the Framework requires any other harm to be placed in the balance and states that substantial weight should be given to the Green Belt harm alone.
13. Some likely benefits have been identified but, in the balance, it is determined that the harm by reason of being inappropriate development in the Green Belt, together with the harm to the Area of Outstanding Natural Beauty is not clearly outweighed by other considerations, and as a result, the very special circumstances necessary to allow the appeal do not exist.

Conclusions

14. The proposal is inappropriate development in the Green Belt and causes harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty. There are no other considerations sufficient to clearly outweigh the harm so that very special circumstances have not been shown to exist. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR