
Appeal Decision

Site visit made on 17 November 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/G2245/W/20/3256002

Land adjoining Dunbrae, Sparepenny Lane, Farningham DA4 0JH

- 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 & Mrs A Claxton against the decision of Sevenoaks District Council.
 - The application Ref 20/00762/FUL, dated 11 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is the removal of existing swimming pool and pool room and the construction of a new detached house with associated car parking, cycle and bin storage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - If the proposal is inappropriate development, 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 the proposal.

Reasons

Whether the proposal would be inappropriate development.

3. Policy LO8 of the Council's Core Strategy¹ (The CS) states that the extent of the Green Belt will be maintained and this is supported by Policy LO1 of The CS which states that development will be focused within the built confines of existing settlements and will only take place where it is compatible with policies for protecting, amongst other things, the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that, other than in the

¹ Sevenoaks District Council Local Development Framework Core Strategy (Adopted 2011)

case of certain exceptions, the construction of new buildings in the Green Belt is normally inappropriate development.

4. The appeal site consists of land associated with the existing dwelling of Dunbrae, sitting between that dwelling and the boundary of the plot of the adjacent dwelling of Cottage on the Hill. Those dwellings, along with five others, are accessed from a track that is separate from the main road of Sparepenny Lane and is in an elevated position relative to that road. The built form of the area around the appeal site is contained to one side of Sparepenny Lane with the opposite side of the road featuring undeveloped land that falls away towards the River Darent. This provides views from the road across Farningham and the surrounding section of the North Kent Downs Area of Outstanding Natural Beauty (The AONB).
5. The appeal site features an area of grassed land, a swimming pool and a small building, with a retaining wall distinguishing the flat part of the site from the tree covered hillside that continues beyond the appeal site. The topography, tree coverage and set back of the abovementioned features from the main road of Sparepenny Lane means that they are well screened from the public domain. The proposal would involve the replacement of the existing swimming pool and outbuilding with a dwelling.
6. Paragraph 145 e) of The Framework identifies limited infilling in villages as an exception to the restriction on the erection of buildings, although the terms of that exception are not defined. In this case, whilst the proposal represents limited development as it amounts to a single dwelling, it is also necessary to consider whether the proposal represents infill in a village.
7. The CS identifies Farningham as a rural settlement and the site is outside the designated settlement boundary. The courts have held that while this may be a relevant consideration, it is not a determinative factor. Rather, whether or not a site lies within a village is a matter of planning judgement based on the situation on the ground.
8. Whilst dwellings are spread intermittently along one side of Sparepenny Lane, the spacing between them and the character of the area does not give the impression that the part of Sparepenny Lane that includes the appeal site is part of the nearby village of Farningham, which is nucleated around the main route through the village. Instead, the site and the string of dwellings it sits within take the form of a ribbon of development, with a semi-rural character that is distinctly different from the tight-knit grain within the adjacent part of the village. The location of the site, the arrangement of built form and the character and appearance of the site and the surrounding area do not lead me to conclude that the site sits within the village in a manner that would align with the abovementioned exception. Moreover, I am not persuaded that the proximity of the facilities and services of Farningham represents a compelling reason to find that the site is within the village.
9. Although the submitted plans show that the plot of the existing dwelling of Dunbrae extends up to the plots of Hampton Court Cottage and Cottage on the Hill, the substantial gap at each side of the dwelling leads to it being viewed almost entirely independently of the neighbouring dwellings. A comparable gap, hosting a tennis court, also exists at the opposite side of Cottage on the Hill. Therefore, whilst the dwelling would be sited between existing dwellings and cause the group of dwellings to become a more obvious ribbon, they are not currently viewed as a group of such intimacy that the erection of a dwelling would represent infill development. The interpretation of what constitutes infill development within the Council's Development in the Green Belt Supplementary Document (2015) compounds my findings in this respect. The abovementioned spacing around the

existing dwellings that neighbour the appeal site also supports my assessment in relation to the site not being within a village.

10. Therefore, as the development would not represent infill development in a village, the proposal would not accord with the abovementioned exception and would be inappropriate development in the Green Belt.

The Openness of the Green Belt

11. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. In this case, even though one of the floors of accommodation would be at basement level and the ground levels would be altered to enable a substantial part of the dwelling to be below the existing ground level, the proposed building would be significantly larger than the existing built form at the site and represent a substantial increase of built form at the site. Although the changing ground levels and intervening vegetation would enable the development to be partially screened in views from Sparepenny Lane, this would not be sufficient to prevent the dwelling eroding the visual and spatial openness of the Green Belt. Consequently, the reduction of the openness of the Green Belt would add substantially to the harm that I have already identified by reason of inappropriateness and the conflict with the aforementioned development plan policies and The Framework.

Other Considerations

12. The main parties agree that there is a housing supply shortfall within the area. Whilst neither main party identifies the extent of the shortfall, the appellant has identified a previous appeal² that found that much of the Council's housing supply had not been proven to be deliverable and no evidence is before me that demonstrates that this has changed. However, even if I proceed on the basis that the housing shortfall is significant and afford substantial weight to the boost of housing supply, as the proposal relates to a single dwelling, the benefit arising from the proposed development would be modest.
13. Although I have been provided with limited details of the reasoning for the designation of The AONB or its key features, I have had regard to the purpose of conserving and enhancing its natural beauty. In this respect, the siting and screening of the dwelling and its tree covered, hillside backdrop would ensure that the proposal would not harm the scenic and landscape beauty of The AONB. I recognise that this is not disputed by both main parties who also agree that the dwelling would be subordinate in scale to the dwelling of Dunbrae, represent high quality design and feature materials that reflect the local context.
14. However, the proposal being acceptable in these respects does not alter my assessment of the effect on the openness of the Green Belt. Moreover, as The Framework indicates that the creation of high quality buildings and places is fundamental to what planning should achieve, I do not find this to be a benefit that weighs in favour of the proposal. In addition, whilst paragraph 79 of The Framework is of limited relevance as the proposed dwelling would not be isolated, neither do I find that the development would be exceptional or outstanding in terms of its design.
15. The Farningham Conservation Area is adjacent to the appeal site. However, the Council's Conservation Area Appraisal leads me to conclude that the greatest contributors to the significance of that heritage asset arise from the juxtaposition of the River Darent with the main vehicular route through the village and the

² APP/G2245/W/18/3200270

substantial number of listed buildings that reflect the age and morphology of the settlement. The Conservation Area Appraisal identifies that land adjacent to Sparepenny Lane was included within the Conservation Area due to the presence of large houses and views across the river valley and of the North Downs. The erection of a dwelling at the site would not alter the presence of the abovementioned large houses or have any impact on the views that have been identified as being important. Therefore, the proposal would maintain the setting of the Conservation Area and cause no harm to the setting of the heritage asset. However, being acceptable in this respect weighs neutrally.

16. The proposal would avoid causing harm in terms of its effect on trees, the living conditions of the occupiers of neighbouring dwellings and highway safety. The proposal would also be acceptable in terms of garden space and parking provision and access to services and facilities. However, this should be expected of all development and, therefore, those factors also weigh neutrally.
17. Although the swimming pool was formerly contained within a building, no such building is now present at the site and the former presence of a structure at the site does not alter my assessment of the proposal.

Very Special Circumstances

18. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore be, by definition, harmful to the Green Belt and I give substantial weight to that harm.
19. Whilst the proposal being acceptable in various respects weighs neutrally, the proposal would represent a small boost to housing supply which I afford weight as set out above. However, 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.
20. Although the abovementioned housing supply shortfall leads to the approach set out at Paragraph 11d) of The Framework being applicable, for the reasons set out above, the application of policies in the Framework that protect areas or assets of particular importance, which in this case is land designated as Green Belt, provides a clear reason for refusing the development proposed. Accordingly, The Framework does not weigh in favour of the proposal. Moreover, the conflict with Policies LO1 and LO8 of The CS leads me to conclude that the proposal would be contrary to the development plan and the harm arising in that respect is not outweighed by other considerations.

Conclusion

21. For the reasons set out above, I dismiss the appeal.

Ian Harrison

INSPECTOR