

Appeal Decision

Site visit made on 20 November 2020

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Reference: APP/G2245/D/20/3255678

Land at 'Little Mariners', Froghole Lane, Crockham Hill TN8 6TD

- 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 and Mrs D Barker against the decision of Sevenoaks District Council.
 - The application (reference 20/00650/HOUSE, dated 4 March 2020) was refused by notice dated 24 April 2020.
 - The development proposed is described in the application form as "construction of detached garage".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached garage, at 'Little Mariners', Froghole Lane, Crockham Hill TN8 6TD, in accordance with the terms of the planning application (reference 20/00650/HOUSE, dated 4 March 2020), subject to the following conditions.
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing no. GB/DB/011B (Proposed Plans and Elevations of New Garage);
 - drawing no. r1720 (Site Survey).

Main issues

2. There are a number of main issues to be determined in this appeal. First, it is necessary to consider whether the proposal amounts to inappropriate development in the Green Belt, taking into account its effect on the openness of the Green Belt. If the development is inappropriate, it is then necessary to consider 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 that are required to justify the development in the Green Belt.
3. In addition to the Green Belt considerations, a further main issue arises in this case, namely the effect of the proposed development on the character and appearance of the area, bearing in mind the location of the appeal site in an Area of Outstanding Natural Beauty.

Reasons

4. Froghole Lane serves an area of scattered development in the Surrey countryside. It descends from the main road between Westerham and Edenbridge (through Crockham Hill), the B2026. The houses are sited intermittently along the lane, with some at the edge of the highway but others set back from their frontages. The buildings are complemented by large gardens and the whole area is well set with mature trees. This attractive location lies within the Kent Downs and High Weald Area of Outstanding Natural Beauty and is covered by Green Belt designation.
5. 'Little Mariners' is a very large house, faced with rendered and vertical tiled walls under tiled roofs. It is set back a short distance from the roadside, behind a small walled courtyard and a parking area, but most of the extensive main garden area is laid to lawns, with trees and shrubs. There are two small greenhouses in the grounds but the garden is generally open in character, although it is enclosed by a well grown hedge on the front boundary and a fence and other vegetation on the side (eastern) boundary.
6. The garden is separated from the parking area alongside the lane by a wide gate but there is a further parking and manoeuvring area within the garden, close to the eastern end of the house. This area is roughly surfaced and is used for parking a number of cars in the open, although there is an additional parking and manoeuvring area at the front entrance to the house (on the west elevation).
7. It is now proposed that an open-fronted shelter should be built as a "garage", to house four cars. The new garage would be built as a simple timber-framed structure, with a tiled roof and timber wall cladding above a low brickwork dwarf wall. It would be set away from the house (by more than five metres) and space for manoeuvring would be retained between the house and the garage.
8. The appeal site lies within the Green Belt, where development is strictly controlled. Policy GB3 of the 'Allocations and Development Management Plan' (which was adopted in February 2015) relates specifically to the construction of residential outbuildings. It provides that outbuildings that are located more than five metres from the existing dwelling will be permitted, subject to certain constraints. Such outbuildings must "not materially harm the openness of the Green Belt through excessive bulk or visual intrusion", taking account of the cumulative impact of the buildings on the site.
9. Policy GB3 is underpinned by the 'Development in the Green Belt Supplementary Planning Document', which was also adopted in February 2015 and is also relevant, though it does not have the same force as Policies in the Development Plan. It restates the Development Plan Policy, adding that residential outbuildings may be permitted "if the design and cumulative impact would not materially harm the openness of the Green Belt". Underpinning that principle, the guidance goes on to state that the Council would "seek to restrict any outbuildings to a limit of 40sqm (measured externally)".
10. In addition, it must be acknowledged that many outbuildings, within Green Belts generally, do not require planning permission and both the Development Plan and the supplementary guidance specifically recognise this.

11. The 'Allocations and Development Management Plan' also requires new development to achieve high quality design, taking account of its surroundings (notably at Policy EN1), while Policy EN5 makes special reference to the Kent Downs and High Weald Area of Outstanding Natural Beauty.
12. Policy SP1 of the 'Core Strategy' (which was adopted on 22 February 2011) likewise draws attention to the need for high quality design.
13. The 'National Planning Policy Framework' (published in 2019) emphasises the strict controls on development that apply in Green Belts. It is made plain, at paragraphs 144-145, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in "very special circumstances".
14. The 'National Planning Policy Framework' also focusses on the importance of good design, while Section 15 is aimed at "conserving and enhancing the natural environment" in broad terms, including a recognition of "the intrinsic character and beauty of the countryside". It provides (at paragraph 172) that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty".
15. The proposed garage would be designed in a traditional style, using traditional materials and it would be subservient to the house, in terms of its design, scale and materials. It would be proportionate to the very large existing house and its extensive grounds and it would be well screened from the lane, where a dense hedge marks the site frontage, and from neighbouring property.
16. It is true that the garage would exceed the footprint area of 40 square metres that is given in the Council's Supplementary Planning Document, as guidance, but it would satisfy the broader criteria of Policy GB3 and I am conscious that the guidance is not advanced as a strict rule, allowing individual cases to be considered on their own merits. In this case, I have concluded that the proposed garage would not amount to "inappropriate" development for the purposes of the Development Plan. On the other hand, it would clearly conflict with the simpler definition that is contained in the 'National Planning Policy Framework'. As a new building in the Green Belt, the garage would amount to "inappropriate" development for the purposes of the later NPPF and that is how I have dealt with the appeal.
17. Nevertheless, the proposed garage would not have a significant effect on the openness of the Green Belt. It would be a residential ancillary building, commensurate with the scale of the house, in terms of its bulk and volume, bearing in mind the large size of the existing house and the extent of the grounds.
18. Moreover, the proposed garage would have only a very limited visual impact on its surroundings. It would be well screened from view and it has been well designed, using appropriate materials, to harmonise with its surroundings as a simple subsidiary building within a domestic curtilage.
19. Of course, the location in the Kent Downs and High Weald Area of Outstanding Natural Beauty is especially sensitive and, in consequence, normal permitted development rights do not apply. Even so, the subdued design and materials

- and the simple form of the proposed garage are in accord with the wider location as well as its immediate setting. Hence, no harm would be done to the landscape or the scenic beauty of the Area of Outstanding Natural Beauty.
20. The proposed garage would enclose cars that would otherwise be parked in the open, which would be of benefit, and I believe that the new building would make a positive contribution to the setting. I have concluded that the project would cause no material harm to the openness or visual qualities of the Green Belt and that it would be in harmony with its surroundings in the Area of Outstanding Natural Beauty. I am conscious that permitted development rights have not been withdrawn generally, in relation to Green Belts, as has been recognised in the Council's adopted planning policies.
21. In the light of all this, and having regard to the small scale of the proposal, I have formed the opinion that the harm to the Green Belt, by reason of inappropriateness, is clearly outweighed by other planning considerations in this case. Hence, I am also of the view that the circumstances of this case are such that the "very special circumstances" that are required to clearly outweigh the harm to the Green Belt do apply.
22. In reaching that conclusion, I have noted the suggestion that two small greenhouses on the land could be demolished as part of the scheme. Even so, I have reached my conclusions in relation to the proposed garage itself (taking account of the cumulative effect of the buildings on the site) and I am not persuaded that the demolition of the greenhouses would be necessary to make the appeal project acceptable. A condition to require the demolition of the greenhouses is unnecessary, therefore.
23. In short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
24. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal).
25. I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. The local planning authority have also proposed that the materials to be used in the construction of the new garage should "match those used in the existing building", although the house at 'Little Mariners' has external wall finishes of masonry and vertical tile hanging, for the most part, which would not be appropriate for the garage. In fact, the submitted drawings show that the garage would be constructed with "plain roof tiles" and "oak weatherboard cladding" above "face brickwork to dwarf wall" and these descriptions are reflected in the application form. Hence, in this case, I have concluded that a condition to control the proposed materials is unnecessary, since the approved materials are those stated on the application drawing.

Roger C Shrimplin

INSPECTOR