



Appeal Decision

Site visit made on 7 January 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021.

Appeal Ref: APP/G2245/W/20/3256419

Selworthy, Badgers Road, Badgers Mount TN14 7AY

- 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 J Hay against the decision of Sevenoaks District Council.
 - The application Ref 20/00745/FUL, dated 11 March 2020, was refused by notice dated 15 June 2020.
 - The development is for the demolition of the existing detached dwelling and garage and erection of a replacement four bedroom detached dwelling of chalet style design with new detached garage.
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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 any relevant development plan policies and the National Planning Policy Framework (the Framework), including the effect on openness;
 - if the development is inappropriate for the purposes of the Framework, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate

3. Paragraph 133 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. One of the five purposes of a Green Belt, at paragraph 134, is that it should assist in safeguarding the countryside from encroachment.
 4. The Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Paragraph 145 (d) states that the replacement of a building is not inappropriate development provided that the new building is in the same use and is not materially larger than the one it replaces.
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5. Policy GB4 of the Sevenoaks Local Plan - Allocations and Development Management Plan (2015) (DMP) indicates that, amongst other things, replacement dwellings in the Green Belt will be permitted providing that the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. Clear evidence should be provided to demonstrate that the total floorspace of the replacement dwelling (together with any retained extensions, alterations and outbuildings) would not result in an increase of more than 50% above the floorspace of the original dwelling.
6. There does not appear to be dispute between the main parties that the proposed development would be 50% more than the floorspace of the existing building and I have no reason to disagree. This notwithstanding, in assessing the criteria for inappropriate development in the Green Belt, floor space is not the only element to consider.
7. As the proposed dwelling would have a larger footprint than the existing building, combined with its overall size and height, the resultant development would be materially larger than the existing building to be removed. It therefore follows that the increase in the overall size of the development on the site would also have an impact on the openness of the Green Belt as the result of additional built form. Given my findings on this matter, proposal would not fall within any of the exemptions to inappropriate development as outlined at paragraphs 145 and 146 of the Framework.
8. For the above reasons, the proposal would be inappropriate development in the Green Belt and would have an adverse impact on openness. This would be contrary to Policy GB4 of the DMP, which amongst other things seeks to ensure that replacement dwellings in the Green Belt are of a design and volume which does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

Other considerations including Green Belt balance

9. The proposed development is inappropriate development which is, by definition, harmful to the Green Belt, and the Framework makes clear that substantial weight must be apportioned to that harm. I have also concluded, because of the increased mass and height, the proposal would result in material harm to the openness of the Green Belt. In order for the appeal to be allowed, the combined weight of the other considerations must clearly outweigh the totality of the harm identified here.
10. The appellant's primary argument is that an extension to the dwelling could be achieved through the implementation of permitted development rights already established through a Certificate of Lawfulness issued by the Council. A further extension has also been secured under a full planning application. Such a position is a legitimate and material consideration.
11. The appellant is of the view that were the extensions to be implemented the resultant dwelling would cause greater harm to the openness of the Green Belt than that which is proposed by the appeal scheme. In this respect I have been given figures to demonstrate that the footprint of the proposed dwelling would be some 72 square metres smaller than the extended dwelling.
12. From the plans provided in this regard, I note that the extended dwelling would be low level in nature and the additions would respond appropriately to the

characteristics of the property. The resultant building would be in keeping with its countryside location, and would have an unassuming and low-key presence within the site, and in views from the public realm and wider countryside.

13. Conversely, the proposed dwelling would be significantly taller than the extended property. This greater higher-level mass, combined with the boxy, bulky form of the proposed building would result in visual intrusion that would be detrimental to the openness of the Green Belt. Any benefit arising from the removal of the extended bungalow would not therefore outweigh the harm I have identified in respect of the appeal scheme.
14. I accept that the dwelling is lawful, that sufficient parking would be provided to serve the home, and that there would be no harm to the living conditions of neighbouring residential occupiers or the character of the area, including its location in an Area of Outstanding Natural Beauty. Taking a pragmatic approach, I am also satisfied that the proposed garage would result in no material harm above and over the garage which has been approved further to the rear of the site. However, such matters are neutral factors in my considerations and therefore have little weight in my decision. All in all, I consider that the other matters either individually or collectively do not clearly outweigh the harm that I have found. Therefore they cannot amount to the very special circumstances needed to justify the proposal and it would conflict with the Framework and Policy GB4 of the DMP.

Conclusion

15. Based on the above, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR