



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/20/3256336

Little House, Crockenhill Lane, Eynsford DA4 0JL

- 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 Neil Sandhu against the decision of Sevenoaks District Council.
 - The application Ref 20/01095/HOUSE, dated 17 April 2020, was refused by notice dated 18 June 2020.
 - The development is for the erection of single-storey detached garage including demolition of existing 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 upon the openness of the Green Belt; and
 - 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 development.

Reasons

Green Belt

3. Paragraph 133 of the Framework 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.
 4. Policy GB3 of the Allocations and Development Management Plan February 2015 (DPD) and guidance in the Development in the Green Belt Supplementary Planning Document February 2015 (SPD) allow outbuildings in the Green Belt located more than 5 metres from the existing dwelling where, amongst other things, the building would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
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5. By way of the advice in the SPD, the Council seeks to limit the size of outbuildings more than 5 metres from the existing dwelling to a maximum floorspace of 40sqm (measured externally). The existing garage is 43 sqm. It does not appear to be disputed between the parties that the proposed outbuilding would be larger than both these measurements, at some 69sqm (measured externally). As such, this would be contrary to the advice in the SPD. Although the appellant argues that the 40sqm limitation is guidance, to my mind it is meant to complement and re-enforce the objectives and requirements of relevant policy.
6. The proposed outbuilding would be located towards the front of the curtilage, adjacent to the gates to the property. In terms of the requirements of policy GB3, I am satisfied that the intended use of the proposed building for the parking of cars would be ancillary to the main dwelling in terms of function. With regard to design and materials, the building would be in keeping with the rural setting and its appearance would support the ancillary nature of the outbuilding. There is therefore no objection on these points.
7. However, the size of the proposed building would be larger than is strictly necessary to meet the functional requirements. In respect of its overall scale, the new building would be more substantial than many other existing structures in the the curtilages of surrounding properties. Given the mass and bulk of the proposal, I consider that it would represent inappropriate development and materially harm the openness of the Green Belt through visual intrusion, contrary to Policy GB3 and the guidance contained in the SPD.

Planning balance

8. I acknowledge that the scheme would have limited visibility from neighbouring houses or the public domain and that there would be no harm to the Area of Outstanding Natural Beauty (AONB) in which it is located. The appellant has indicated that an alternative garage would be erected under permitted development rights elsewhere in the curtilage were the appeal to fail, although I have not been presented with any further details in this regard.
9. I note the other appeal decisions submitted by the appellant. Two are from other Authorities elsewhere in the country and I consider that they are not comparable to the appeal scheme before me given that the development plans are different, and thus those appeals have to be considered under different policies with different requirements. The Inspector for the 'Wild Wood' case concluded that the outbuilding did not materially harm the openness of the Green Belt through excessive bulk or visual intrusion and that the dimensions did not materially exceed those set out in the SPD; these are not my findings for this appeal proposal.
10. The other considerations outlined in support of the scheme represent only neutral factors which do not weigh in favour of the proposal. In the round, no very special circumstances, as are necessary to outweigh any harm to the Green Belt's openness and by reason of inappropriateness, have been demonstrated.

Conclusion

11. Although I find that there would be no material harm to the character of the area or the wider AONB, the proposal represents inappropriate development, which by definition, would be harmful to the Green Belt. I have also found that

there would be material harm to openness. For the reasons given the proposal is unacceptable and I conclude that the appeal should be dismissed.

C Hall

INSPECTOR