



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/20/3257646

The Warren Poultry Farm, East Hill Road, Knatts Valley TN15 6YD

- 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 Bennett against the decision of Sevenoaks District Council.
 - The application Ref 20/01456/FUL, dated 27 May 2020, was refused by notice dated 30 July 2020.
 - The development is for the demolition of the existing dwelling and associated buildings, and the erection of a replacement dwelling with associated works.
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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. It is common ground between the main parties that the proposed development would be more than 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 buildings, combined with its overall size and height, the resultant development would be materially larger than the existing buildings to be removed. It therefore follows that the increase in the overall size of the development on the site would also have a harmful 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 effect 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 raises three principal matters for consideration: the fall-back position of an approved outbuilding and the removal of existing outbuildings; a reduction in the domestic curtilage and removal of permitted development rights; and biodiversity enhancement. Each of these are addressed below.
11. The appellant asserts that an outbuilding could be achieved through the implementation of permitted development rights already established through a Certificate of Lawfulness issued by the Council; such a position is a legitimate and material consideration.
12. From the plans provided in this regard, I note that the scheme would be single storey in nature and of a simple design. Similarly, the existing outbuildings are low level and conventional in appearance. Overall, the existing and proposed outbuildings would therefore be appropriate to the countryside location, having

an unassuming and low-key presence within the site, and in views from the public realm and wider landscape. The existing rural character of the site would not be significantly affected. As such, the construction of a new outbuilding and the removal of existing structures would not outweigh the harm I have identified previously.

13. The extent of residential curtilage established by the Certificate of Lawfulness is contested by the Council. Even if I were to adopt the appellant's view, I consider that the domestication of the site would not justify the approval of a building that would have greater higher-level bulk and mass than the existing elements to be removed, and its resultant detriment on the openness of the Green Belt. I am of the view that the same argument would apply to the removal of permitted development rights.
14. I note that a number of biodiversity improvements have been recommended in the Preliminary Ecological Appraisal, including new planting and the provision of tree-mounted bat and bird boxes. Whilst such measures are to be encouraged, they could easily take place irrespective of whether a new dwelling is built. I therefore afford this argument limited weight in this appeal.
15. Whilst the appellant has had regard to the Council's decision in respect of the previously refused scheme for a new dwelling on the site, including reducing the building's scale, this does not overcome my aforementioned concerns.
16. I accept that the dwelling is lawful, the design of the proposal and the inclusion of a basement would be acceptable, and that there would be no harm to character of the area, the Area of Outstanding Natural Beauty or the living conditions of neighbouring residential occupiers. However, such matters are neutral factors in my considerations and therefore have little weight in my decision. Taken in the round, 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

17. For the reasons given the proposal is unacceptable and I conclude that the appeal should be dismissed.

C Hall

INSPECTOR