

Appeal Decision

Site Visit made on 19 January 2021 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2021

Appeal Ref: APP/H2265/W/20/3259744

Parsonage Farm, Hatham Green Lane, Stansted, Kent TN15 7PL

- 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 Dr A Bradford against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/01208/FL, dated 10 June 2020, was refused by notice dated 3 August 2020.
 - The development proposed is the development of now derelict, former fruit pickers cottages as two holiday cottages within existing farm estate.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the character and appearance of the surrounding area;
 - The effect on the living conditions of the occupiers of neighbouring properties in relation to privacy and noise; and
 - Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it would be inappropriate development

4. The appeal site is located in a rural area surrounded by several other residential dwellings and within the Green Belt. It is situated on a farm which is occupied by number of large buildings, both residential and commercial in nature. The appeal site accommodates an area of hardstanding which, the appellant has stated, was previously occupied by four cottages. The proposed development is for two, two-storey semi-detached cottages, in the same

location as the previous cottages, to be used as holiday accommodation, and includes an access road and car parking spaces.

5. Paragraph 145 (g) of the Framework states that limited infilling or the partial or complete development of previously developed land is not inappropriate development in the Green Belt providing it would not have a greater impact on the openness of the Green Belt than the existing development. Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy (2007) requires development to comply with national Green Belt policy.
6. As there is no building on the appeal site at present, regardless of any previous development on the site and when it was removed, the addition of a new building would have a significant spatial impact on the openness of the Green Belt due to the increase in built volume. In addition, although the proposed cottages would be set back from Hatham Green Lane there would still be some visibility of the proposal from this road as well as from a public footpath which runs to the east of the site, directly adjacent to the proposal. As such, the proposed building would visually reduce the openness of the Green Belt. Therefore, there would be both a spatial and visual impact to the openness of the Green Belt from the proposed development.
7. The Council contest whether the site can be considered previously developed land as the definition within the Framework excludes land that is or was last occupied by agricultural or forestry buildings or where the remains of the permanent structure or fixed surface structure have blended into the landscape. Nevertheless, due to the impacts on the openness of the Green Belt the proposed development could not fall under paragraph 145 (g).
8. Paragraph 145 (d) of the Framework allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. However, as the existing building on the site has been removed, the proposal would also not fall under this exemption.
9. Therefore, as it would not fall under any exemptions within paragraph 145 of the Framework, the proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

Character and Appearance

10. Although it is claimed that the proposed development would be smaller in height and mass than the building which previously occupied the site, that building is no longer present or forms part of the character and appearance of the site and area. The design features of the proposed cottages follow the form of some surrounding buildings and semi-detached properties are also seen on a site opposite Parsonage Farm. However, their residential appearance and compact size would not be in keeping with other large rural buildings on the farm which are generally barn-like in appearance or traditional brick built structures.
11. Furthermore, their two-storey height and positioning close to the boundary of the site would render them highly visible from the public realm and would significantly impact upon the spacious and open view of the site at present which contributes to its pleasant rural nature. Although it would screen the

ruins of a barn to the rear of the site, this would not outweigh the harm to the character and appearance of the area.

12. For the reasons above I consider that the proposed development would harm the character and appearance of the area and would therefore conflict with Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy (2007) and Policy SQ1 of the Managing Development and the Environment Development Plan Document (2010). These two policies require new development to protect the character and local distinctiveness of the local area and ensure the design of new development is not detrimental to the countryside.

Living Conditions

13. The proposal includes an access road between the proposed cottages and the eastern boundary of the site. Although there is a public footpath between this boundary and the neighbouring property, The Buzzards, cars would still be driving within close proximity of its private garden space, resulting in an increase in noise from vehicles coming and going than at present. Furthermore, the use of the cottages as holiday accommodation would be likely to result in a large number of movements, from visitors arriving, leaving or visiting local attractions on a regular basis, and would therefore generate noise and disturbance to neighbouring occupiers.
14. It is noted that the current use of the site, as a farm, already generates some level of noise and disturbance. However, the proximity of the proposed access road and the increased number of comings and goings from the future occupiers of the cottages would result in an increased level of noise and disturbance to the detriment of the living conditions of occupiers of the neighbouring dwelling.
15. The rear of the proposed cottages would face the rear garden space of the neighbouring property. The plans submitted indicate that the rear elevation for each cottage would have one first floor window serving the stairwell and two rooflights serving the bathroom. It has been confirmed by the appellant that these windows could be obscure glazed thereby preventing any overlooking into the garden of The Buzzards from the properties. Therefore, the proposed development would not impact the privacy of the occupiers of the neighbouring property.
16. Therefore, although their privacy would not be impacted, the proposed development would harm the living conditions of the occupiers of the neighbouring dwelling by way of noise and disturbance thereby conflicting with Policies CP24 and SQ1 which seek to protect the prevailing level of tranquillity and amenity of the countryside.

Other Considerations

17. The appellant has highlighted that the proposal is required to maintain the economic viability of Parsonage Farm. Although it is noted that the site has recently diversified to provide residential accommodation, no further information has been provided to support this claim. Therefore, this can only be given limited weight.
18. The appellant has also indicated that there is limited self-catering holiday accommodation within the area and the proposal would assist with the

development of rural tourism which is of particular importance at the current time where domestic holidays are more popular due to the Covid-19 pandemic. However, although there may be an increased demand for tourist accommodation at present, no evidence has been provided to demonstrate this need. Therefore, this can only be afforded moderate weight.

19. It is noted that other development has taken place in the local area which is also within the Green Belt, such as the dwelling at The Buzzards which previously formed part of the farm. However, each development is considered on its own merit and therefore the presence of other residential development within the Green Belt has minimal weight on the appeal before me.

Green Belt Balance, Conclusion and Recommendation

20. In conclusion, 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 in the Green Belt do not exist. Therefore the development would fail to accord with policy CP3 which seeks to protect the Green Belt, along with the Green Belt objectives of the National Planning Policy Framework.
21. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR