

Appeal Decision

Site Visit made on 2 March 2021

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021

Appeal Ref: APP/G2245/W/20/3258659

Lamberhurst Farm, Shoreham Lane, Halstead TN14 7BY

- 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 & Mrs N Jones against the decision of Sevenoaks District Council.
 - The application Ref 20/01758/FUL, dated 23 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is demolition of three buildings and erection of a replacement three bedroom single storey dwelling with associated car parking and residential curtilage.
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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 the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is approached down a private driveway from Shoreham Lane and comprises a track leading from the end of the drive to a site which is approximately rectangular in shape. It is currently occupied by a garage, an open-sided store and a wooden barn, all of which are in use for storage. The remainder of the site is either hard-surfacing or grass.
4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions. No relevant development plan policies were cited in the Council's decision notice or have been brought to my attention. However, I was provided with the Council's *Development in the Green Belt: Supplementary Planning Document 2015*, which seeks to apply national policy within a local context.

5. It is agreed that the appeal site is previously developed land (PDL). Therefore, the exception within paragraph 145 of the Framework which is relevant is g). This permits the partial or complete redevelopment of PDL with the proviso that it would not have a greater impact on the openness of the Green Belt than the existing development.
6. Openness is the absence of the development and can have spatial and visual effects. The footprint of the proposed dwelling would be marginally less than that of the existing buildings. However, the overall volume of development would be larger resulting in an increase of just over 18cu.m. Furthermore, this would be entirely enclosed whereas one of the existing buildings is open sided, which reduces its effect on the site's openness.
7. However, the effect on openness is not only related to a proposal's size but also its purpose and the intensity of its use. The introduction of a dwelling on the site would result in the creation of a garden with its associated domestic paraphernalia. Some of the hardstanding would be used for turning, manoeuvring and parking of vehicles. There would then be the increased comings and goings associated with the activities of a dwelling rather than the incidental storage which currently characterises this quiet corner of Lamberhurst Farm.
8. The proposal would represent a consolidation of the built form. Its height would not exceed that of the existing barn, in compliance with the advice of the SPD in that respect. However, it would increase the overall quantity and bulk of development on the site and give rise to an increased intensity in its use. This would be particularly apparent from the public footpath that currently runs through the site and would need to be diverted around the boundary of the proposed garden. Taking all these factors into consideration, I consider that the proposal would have a greater impact on openness than the existing development.
9. I note that permission was granted for the replacement of two Nissan huts with a dwelling elsewhere on Lamberhurst Farm. However, in that case the reduction in floor area was fractionally more than would be the outcome with the appeal proposal. Moreover, there was a reduction in the volume of the buildings in excess of 30cu.m compared to the increase that would arise with the appeal proposal. The two schemes are therefore not directly comparable.
10. The proposal would therefore fail to meet the requirements of exception g) set out in paragraph 145 of the Framework. Consequently, it would be inappropriate development, contrary to national and local policy to protect the Green Belt.

Other Considerations

11. The existing buildings are of no particular architectural merit, although the barn is typical of an agricultural building and therefore does not look out of place in its context. Nevertheless, their replacement would result in the limited social and economic benefits associated with the provision of an additional dwelling.
12. As a bungalow built using bricks and tiles, its design would be acceptable. The proposal would provide adequate living space both internally and externally for future occupants and there would be sufficient space for vehicles. The proposal

would therefore comply with the development plan in these respects. However, the absence of harms is not a factor in the scheme's favour.

13. There is a public right of way through the site at present which would need to be diverted. This matter has been discussed with the County Council and could be secured by condition. However, the diversion would be a requirement of the proposal rather than a benefit.

Green Belt Balance

14. I have found the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. The limited benefits that would accrue from the provision of an additional dwelling is not a consideration that clearly outweighs the harm arising from inappropriateness. The very special circumstances required to justify the proposal do not, therefore, exist.
15. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 6 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

16. The proposal conflicts with national policy set out in the Framework to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

Sheila Holden

INSPECTOR