



Appeal Decision

Site Visit made on 22 September 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 OCTOBER 2021

Appeal Ref: APP/H2265/W/21/3266793

Ragstones, Mill Lane, Ightham, Sevenoaks, TN15 9BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr & Mrs Nicola Wheatcroft against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/02238, dated 7 October 2020, was refused by notice dated 30 November 2020.
 - The development proposed is Demolition of existing bungalow, garage and outbuildings and erection of a replacement dwelling and garage.
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Decision

1. This appeal is dismissed.

Preliminary Matter

2. The main dwelling at Ragstones has been demolished. In light of this I sought the main parties' comments on the relevance of paragraphs 149 d) and g) of the National Planning Policy Framework July 2021 (the Framework) to this case.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special

circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.

5. Of relevance to this appeal is that 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' and 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development are listed as exceptions at paragraphs 149 d) and g) respectively. These requirements are restated as relevant to this site by Policy CP3 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy (25 September 2007) (the Core Strategy)
6. The main dwelling at Ragstones was demolished in August and September 2021. An outbuilding (labelled Shed 2 on the submitted plans) had been retained at the time of my site visit. A second single storey outbuilding was under construction. I understand this is the outbuilding approved in 2021¹. This represents the existing development.
7. Therefore, the only buildings to be replaced are the two small, single storey outbuildings. The proposed large two storey dwelling is demonstrably materially larger than the shed and new outbuilding combined. Notwithstanding whether the proposed development would be materially larger than a previous building on the site, the exception listed at paragraph 149 d) of the Framework would not apply.
8. There is no dispute between the parties that the site is previously developed land. Therefore, I will go on to consider the effect of the proposed development on openness.

Openness

9. Openness has both a spatial and visual aspect. Paragraph 149 g) of the Framework is clear that, in terms of openness, the redevelopment must be assessed against the existing development. As set out above this comprises two small outbuildings. The remainder of the site is open, including a large area of hardstanding and a grassed soft landscaped area. The development of a substantial two storey house would result in a significant loss of spatial openness compared with the existing mainly open land. The substantial proposed dwelling would also be seen in glimpsed views along Mill Lane, and therefore there would also be a loss of visual openness, albeit that this would be limited.
10. Consequently, there would be a greater impact on the openness of the Green Belt than the existing development, notably harmful to the spatial and visual openness of the Green Belt.
11. Therefore, for the reasons described above, the development that is the subject of this appeal would not preserve the openness of the Green Belt and is therefore inappropriate development in the Green Belt in the terms of the Framework and therefore Policy CP3 of the Core Strategy.

¹ TM/21/00824/LDP

Other Considerations

12. Planning permission has been granted for the demolition of the existing bungalow, garage and outbuildings and erection of a replacement dwelling and garage at the appeal site². It is likely that this building would be constructed. The main difference between the approved scheme and appeal proposal is a single storey link between the main dwelling and garage.
13. The development proposed is larger in terms of its footprint and massing than the dwelling permitted. Therefore, even though the scale of this difference is modest, the larger proposed development would nevertheless have a greater and more harmful effect on the openness of the Green Belt than the fallback position.
14. As the original dwelling on this land has been demolished, there is no real prospect of the exercise of permitted development rights associated with the previous house. Therefore, this does not represent a fallback position.
15. I am satisfied that the proposed development would conserve the landscape and scenic beauty in this Area of Outstanding Natural Beauty.
16. The proposed development would provide economic benefits during the planning and construction stages, albeit that this would be temporary, and occupants would support local shops and services. It is put to me that the development would result in an effective and efficient reuse of land and would contribute to housing mix and choice. However, given the size of the development these benefits are limited in their scale. Furthermore, they are very similar to those that would be delivered through the, less harmful, fallback position.

Green Belt Balance

17. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and its effect on openness. Balanced against that are the other considerations discussed above. However, even when considered together, these do not clearly outweigh the harm to the Green Belt.
18. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with policies CP3 of the Core Strategy and paragraph 148 of the Framework the aims of which are set out above.

Conclusion

19. The proposed development would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR

² TM/21/00120/FL