



Appeal Decision

Site visit made on 7 October 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/G2245/W/20/3264586

Land adjacent to Bay Lodge, Ash Road, Hartley DA3 8EX

- 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 Harris against the decision of Sevenoaks District Council.
 - The application Ref: 20/01106/FUL dated 12 March 2020, was refused by notice dated 18 August 2020.
 - The development proposed is new four bedroomed bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted and all representations completed, the National Planning Policy Framework (Framework) has been updated in July 2021. Both the Appellant and the Council have been offered an opportunity to comment on the Framework, and its relevance to this case, but neither the Appellant nor the Council wished to add further comments. All references in this decision are to the July 2021 Framework.

Main Issues

3. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) Its effect on openness and on the character and appearance of the local area;
 - c) Other considerations; and
 - d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons

Issue a) Whether Inappropriate Development

4. The appeal site is an open, overgrown area of land on the east side of Ash Road; this road leads into and through the village centre of Hartley to the

- north. To the south of the appeal site is a residential dwelling known as Bay Lodge and to the north a more modern and larger house, Annlea set back from the road. The site is within the Green Belt and outside the village settlement boundary of Hartley.
5. The proposal would introduce a new four bedroomed detached chalet bungalow with parking in front with a garden area to the rear and an area of retained open land beyond.
 6. The Framework sets out the government's planning policies to secure sustainable development. Paragraph 137 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 149 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including at exception e) *limited infilling in villages*. The terms 'villages' and 'infilling' are not further defined.
 7. The Council's decision notice refers only to the Framework in this regard, but both the Council and the Appellant have referenced in their consideration the Council's adopted Supplementary Planning Document 2015: Development in the Green Belt (SPD) which addresses both the terms 'villages' and 'infilling'.
 8. In terms of infill development, the SPD at paragraph 3.3 defines limited infill development as *the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only* and at paragraph 3.4, a substantially built up frontage as *an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene*. Although there are dwellings along both sides of the road along this part of Ash Road, the development is loose knit with open gaps between and would not be described, in my view, as a continuous and largely uninterrupted built frontage.
 9. At paragraphs 3.5 and 3.6 of the SPD the Council sets out that for settlements with a Green Belt boundary, a consideration as to whether or not infill development might be appropriate is whether or not there is a break in development or change in character to more loose knit development. In this case, it is my view from my site visit that there is a very clear change in character and appearance between the village within the settlement boundary with a more tight knit and regular development pattern, changing to a loose knit pattern with individual dwellings on either side of the road with open gaps between, travelling south away from the village along Ash Road. The settlement boundary in this instance does in my view reflect a distinct change in character and appearance which leads me to conclude that the appeal site is not functionally, visibly and physically part of the village.
 10. As a result of the above considerations which have considered both the Council's guidance as well as the physical relationship of the site and its locality in terms of siting, character and appearance, I find that the proposed development would not fall to be considered as limited infilling in a village.
 11. The Appellant has also referred to exception g) of Paragraph 149 which also refers to infilling but the proposed development would not meet any of the stated provisos. As there is no built development on the site at the moment to

which my attention has been drawn, the introduction of a new dwelling with car parking would inevitably have a greater impact on the openness of the Green Belt compared with the existing. I have been given no information to suggest the land falls within the definition of previously developed land and finally the proposal is not indicated to be meeting an identified affordable housing need. This exception does not therefore apply to the proposal before me.

12. It is therefore my conclusion that the proposed development does not fall within any of the exceptions set out at paragraph 149 of the Framework in respect of new buildings. It is therefore inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.

Issue b) Openness and Character and Appearance

13. The site is overgrown at present but presents an open green gap along this part of Ash Road. The introduction of new built development, together with hardstanding for parking, would inevitably result in some harm to openness, both visually and spatially.
14. The pattern of development along both sides of Ash Road in the vicinity of the appeal site is loosely grouped individual houses set on different size plots with some open gaps between. Although, in my view, outside of the village of Hartley, I do not agree with the Council that this part of Ash Road has a rural character and appearance given the number of dwellings along the road. Nonetheless the introduction of a further dwelling, in the form proposed, would remove the existing open gap and consolidate built development along this part of the road. It would therefore detract from the current loose knit character and appearance of the road, with individual dwellings interspersed with open land.
15. I therefore conclude that the proposal would not respect the character and appearance of the local area. This harm would conflict with Policy EN1 of the Allocations and Development Management Plan and Policy SP1 of the Core Strategy as well as Section 12 of the Framework, all of which amongst other things seek a high quality of design which respects the local context.
16. The harm to openness and to the character and appearance of the local area add to the harm I have already found under my first main issue.

Issue c) Other Considerations

17. The Framework indicates at paragraph 148 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to the other considerations in support of the development which have been put forward, which I have not already addressed under my main issues.
18. The Appellant has advised that the Council cannot demonstrate a five year housing land supply and the Council has confirmed that this is currently the position. Paragraph 60 of the Framework refers to the government's objective to boost significantly the supply of housing, and paragraph 69 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In this instance, the proposal would contribute one additional unit.

19. In terms of the component dimensions of sustainable development, as set out at Paragraph 8 of the Framework, there would be some social benefit in providing an additional unit. Some economic advantages would also arise from the construction and occupation of this dwelling. However, the contribution of only one additional dwelling would limit the weight that can be attached to this argument. I therefore only afford it modest weight in support of the proposal. I shall address the presumption in favour of sustainable development under Paragraph 11 of the Framework below.
20. The Appellant has indicated that the rear part of the site would be retained as open land. However, the front part would be developed and for the reasons outlined would result in the harm to openness and to the character and appearance of the local area. The proposed retention of open land within the site would not in my view offset the harm from the proposed development and I do not therefore accord it more than minimal weight in support of the proposal.
21. Given the distance to boundaries and the proposed arrangement of windows, and notwithstanding the concerns expressed in representations by the joint estate owners of Bay Lodge, I agree that there would be no issues in respect of the impact on living conditions of the surrounding properties. I also agree that there would be no concerns in respect of access and parking. The plot size would be broadly comparable with some of others along Ash Road and the proposed dwelling of modest proportions. The Council has also raised no concerns in these regards. The proposal would therefore accord with the development plan in these respects but the absence of harms is not a factor in support of the scheme.

Issue d) Balancing of Considerations and whether very special circumstances exist.

22. I have already found that substantial weight must be given to the harm to the Green Belt by reason of inappropriateness. The harm to openness and to the character and appearance of the local area add to this harm. The totality of the harm I have concluded is not clearly outweighed by the other considerations. I do not find that the very special circumstances required to justify the proposed development exist. The proposed development conflicts with the Framework and development plan policy with regard to protecting Green Belt land as well as the protection of the character and appearance of the local area.

Planning Balance and Conclusion

23. 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) follows on and 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 7 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.

24. 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. For the reasons set out above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR