



Appeal Decision

Site visit made on 2 November 2021

by David Prentis BA, BPI, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/11/2021

Appeal Ref: APP/H2265/W/21/3273210

Brackenwood, Pine Tree Lane, Ivy Hatch, Sevenoaks TN15 0NJ

- 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 and Mrs M Skinner against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/00083/FL, dated 12 January 2021, was refused by notice dated 4 March 2021.
 - The development proposed is conversion of existing residential outbuilding to provide a single dwelling, including access, landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing residential outbuilding to provide a single dwelling, including access, landscaping and parking at Brackenwood, Pine Tree Lane, Ivy Hatch, Sevenoaks, TN15 0NJ in accordance with the terms of the application, Ref TM/21/00083/FL, dated 12 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2017/22/(21) Sheet A-1; Sheet A-2; and Sheet A-3.
 - 3) Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved in writing by the local planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the building or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the local planning authority gives written consent to any variation.
 - 4) The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be

carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Main issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

3. Policy CP3 of the Tonbridge and Malling Core Strategy (CS) defines the extent of the Green Belt within the Council's area. The appeal site is located within an area of woodland and scattered residential development within the Green Belt. Policy CP3 states that national Green Belt policy will be applied.
4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework sets out forms of development that are not considered to be inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One such form of development is the re-use of buildings that are of permanent and substantial construction.
5. Brackenwood is a detached house set in an extensive plot, bounded by Pine Tree Lane. The appeal relates to an outbuilding used as a gym, workshop and store which replaced an earlier outbuilding, following a planning permission granted in 2018. The outbuilding is a single storey L-shaped structure, clad in weatherboarding with a pitched tile roof. This part of the site frontage is enclosed by timber fencing and solid timber gates. There is a vehicular access leading to a small parking and turning area adjacent to the outbuilding, separate from the accesses to Brackenwood and its associated driveway and parking areas. The outbuilding is at a higher level than Pine Tree Lane. The area has a verdant character with trees and vegetation along the lane, some large trees within the garden and woodland to the rear. Due to the combined effects of topography, vegetation and existing fencing the subject building is not a prominent feature in the street scene, although parts of it can be glimpsed from the lane above the timber gates.
6. There is no dispute that the appeal building is of permanent and substantial construction. The proposal would not involve any extensions to it. A front door would be added and, to the rear, some double doors would be replaced with full-height glazing. These minor changes would not be readily apparent from outside the site. However, the Council argues that the proposal would harm the openness of the Green Belt due to the subdivision of the plot and increased fencing, parking and domestic paraphernalia.
7. There is already fencing and vegetation along the frontage of the proposed plot and the side boundary to the adjoining property. The rear part of the proposed plot is wooded. Consequently, only a relatively small amount of new fencing would be needed within the more open part of the garden to separate the appeal site from Brackenwood. This would not be apparent from outside the site. If any additional fencing were thought to be necessary within the wooded parts of the site this would be well screened by vegetation.

8. The outbuilding already has a small parking and turning area which is separate from that of Brackenwood. This would be adequate to serve the two-bedroom dwelling proposed. Due to the existing fencing and gates, any cars parked here would not be readily visible from the lane.
9. Future occupiers of the proposed dwelling may seek to construct outbuildings. However, any such outbuildings would be subject either to the grant of planning permission by the Council or the limitations on permitted development rights set in national legislation. The Framework allows for suitable buildings in the Green Belt to be converted to new uses, including dwellings. It seems to me that application of that policy is likely to generate some additional outbuildings from time to time.
10. Future occupiers of the proposed dwelling may choose to keep items such as garden furniture or play equipment within the garden area. However, the area in question is already part of a residential curtilage and could be used for such purposes now. Looking at the existing plot of Brackenwood as a whole, it is fair to point out that the proposals would amount to an intensification of residential use, with a net addition of one dwelling. However, having regard to the modest scale of the proposed dwelling, the well-screened nature of the site and the large extent of the existing plot, I do not consider that this would result in any material impact on the openness of the Green Belt.
11. The purposes of the Green Belt are set out in the Framework. The relevant purpose for this appeal is that of safeguarding the countryside from encroachment. For the reasons given above, I do not think that the proposal would conflict with that purpose.
12. I conclude that the proposal would represent the re-use of a building of permanent and substantial construction, in a way that would not cause harm to the openness of the Green Belt or the purposes of including land within it. The proposal would not amount to inappropriate development and would therefore accord with the policies of the Framework, insofar as they relate to protecting the Green Belt. It would also accord with CS Policy CP3.

Other matters

13. The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). For the reasons discussed above, I do not consider that there would be harm to the landscape of the AONB or the character and appearance of the area generally. I have noted the objections of the Parish Council, which were for reasons that have been covered above. I have noted the various examples of Council decisions highlighted by the appellant but I have found that my decision on the appeal turns on my assessment of site-specific factors.
14. The provision of an additional dwelling is a further factor weighing in support of the appeal, particularly in circumstances where the Council cannot demonstrate the five year supply required by the Framework.

Conditions

15. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. Condition 2 requires development to be carried out in accordance with the approved plans, in the interests of certainty. Condition 3 requires submission of landscaping details and replanting of failed landscaping in the interests of the character and appearance of the area. Condition 4

requires the parking area shown on the plans to be provided and retained thereafter, in the interests of making proper provision for the vehicles of future occupiers.

16. A suggested condition on materials is not necessary because no changes are proposed to the external materials of the building. A suggested condition on levels is not necessary because the permission is for the re-use of an existing building, so the floor level would not change. The Council has not identified any exceptional factors that would justify amending the permitted development rights that would normally apply.

Conclusion

17. For the reasons given above, the appeal should be allowed.

D Prentis

Inspector