



Appeal Decision

Site visit made on 31 January 2022

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/G2245/D/21/3275253

Spinneys, Goodley Stock Road, Crockham Hill TN8 6TA

- 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 Kemp against the decision of Sevenoaks District Council.
 - The application Ref 21/00066/HOUSE, dated 22 December 2020, was refused by notice dated 16 March 2021.
 - The development proposed is for the erection of an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located in the Metropolitan Green Belt. However, while the appellants make reference to this fact in their statement of case, the Council did not include it as a reason for refusal in its' decision notice. I have proceeded accordingly.
3. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

4. The main issue is the effect of the proposal on ancient woodland.

Reasons

5. The appeal site is located within the back garden of the residential dwelling known as 'Spinneys'. To the rear of the host dwelling there is an area of designated ancient woodland.
6. The proposal is to construct an outbuilding within the garden of the host dwelling. I noticed at my site visit that a hardstanding has been constructed in the location of the proposed development.
7. The main parties agree that there were two outbuildings sited on or near to the position of the proposed dwelling that are no longer standing; the remainder of which now forms part of the existing hardstanding. I also noted at my site visit that there are outbuildings in some of the neighbouring gardens. Moreover, the proposal would be relatively modest and shielded by the bushes and trees that are found within and surrounding the host garden.

8. Consequently, the appellants forward that the principle of development on the appeal site should be given heavy weight. However, I find to the contrary. Indeed, from the minimal evidence before me, I cannot be certain whether the former outbuildings were acceptable to the council, or if the neighbouring outbuildings were considered under the same development plan as the proposal before me or not. Therefore, I have considered the proposal on its own planning merits.
9. As such, the appellants assert that the proposal would be located relatively near to ancient woodland, but nonetheless beyond the 15m 'buffer zone' required by Natural England's standing advice. Conversely, the Council contend that the proposal would be within 1m of the ancient woodland to the rear of the host property. Indeed, in addition to the aerial photograph submitted by the Council, I noted at my site visit that the ancient woodland is readily visible from the host garden which appears to have a gate to its' boundary that provides direct and ready access to the woodland.
10. Paragraph 180 (c) of the Framework, makes it clear that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees, should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
11. Therefore, while the appellants argue that the proposal would not result in harm to the adjacent ancient woodland, given the Council's evidence, my findings 'on the ground' and the absence of a suitable compensation strategy, or a 15m 'buffer zone' as suggested by the 'Woodland Trust', the close proximity of the proposal to ancient woodland is likely to, at the very least, lead to soil compaction and the erosion of root protection areas radiating from the adjacent ancient woodland. I acknowledge that the appellants intend to use the proposed development for homeworking, shelter and/or the keeping of bees and plants. In spite of this, I am not persuaded that these aspirations are exceptional circumstances, or of a sufficient public benefit, in which the proposal should succeed. Overall, and in the planning judgement, I conclude that the proposal would harm the nearby ancient woodland.
12. Accordingly, in the absence of any other justification for the location of the proposal or compensation strategy, the proposal is contrary to Policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan 2015 and Paragraph 180 (c) of the Framework.

Other Matters

13. The appellants have brought to my attention a number of developments in support of their case¹ However, I have limited details of those schemes before me. Furthermore, they are either of some vintage or located in a different area to the appeal site altogether. Therefore, I attribute this matter little weight.

Conclusions

14. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR

¹ 15/00783/HOUSE, 12/02814/FUL, 21/00006/HOUSE, 20/03740/LDCPR and 20/03700/HOUSE