



Appeal Decision

Site visit made on 31 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/G2245/W/21/3275700

Westwood Lodge, The Street, Ash, Kent TN15 7HR

- 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 R Seager against the decision of Sevenoaks District Council.
 - The application Ref 20/03404/FUL, dated 23 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is for the construction of a single-storey 3-bedroom holiday-let along with a new access driveway, footpaths, parking spaces, cycle store shed, hedgerows and fencing within the residential curtilage of Westwood Lodge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. For certainty, I have used the appeal site address given on the appellants' appeal form.

Main Issue

4. The main issue is whether the proposal would represent inappropriate development in the Metropolitan Green Belt (the Green Belt), and if inappropriate development, the effect of the proposal on the openness of the Green Belt, and whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

5. The appeal site is located in the Green Belt near to the settlement of Ash. The site is accessed from the highway via an unmade driveway that leads to a gravelled parking and turning area as well as the residential dwelling known as Westwood Lodge and its detached double garage. The host property has a wrap-around garden that is edged by trees and shrubs, and there are glimpses from the site to the highway and nearby dwellings. To the rear of the plot there are wider views to the surrounding open countryside.

6. The proposal is to construct a 3 bedroom holiday let on part of a cleared garden type area to the rear of the host dwelling. The proposed development would be constructed in similar materials to the surrounding area and include a new driveway, footpaths, parking spaces, and a cycle store shed. There would also be new landscaping and fencing.
7. The appellant has brought to my attention a number of schemes in support of his case.¹ However, I have limited details of those cases before me. Therefore, I have considered the proposal on its own planning merits.
8. The Framework sets out clearly in Paragraphs 147-151 that unless an exception can be demonstrated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. In this case the main parties agree that the requirements for an exception included in Paragraphs 147-151 of the Framework have not been met.
9. It follows then, that the proposal would be inappropriate development in the Green Belt.

Openness

10. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt. Nonetheless, the appellants have submitted an OS map that shows that the appeal site is likely to have sited a building from at least 1914. However, I noticed at my site visit that the building is no longer standing. Indeed, the Council contend that there has been no development on the appeal site since approximately 1940. Moreover, notwithstanding the surrounding development such as that seen at 'Copperfields' and nearby residential dwellings, I cannot be certain if the 1914 map indicates an individual dwelling or another type of structure altogether or not.
11. Therefore, irrespective of scale or appearance, the proposed development would introduce built-form and hard surfaces that would be in sharp contrast to the existing unmade space. Indeed, in spite of the existing hedges and trees that only partially shield the appeal site, or the potential for new landscaping, the fact remains the increase in domestic paraphernalia that is likely to be associated with the provision of a three-bedroom dwelling, for example, but not limited to; a new driveway, two parking spaces, pathways, play-equipment and a cycle-store where currently there is not, would in my view, separately and cumulatively harm the openness of the Green Belt.
12. Consequently, I conclude that the proposal is inappropriate development that would fail to preserve the openness of the Green Belt.

Green Belt balance

13. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt. Moreover, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations to justify the development.

¹ Roberts v Wychavon DC and Luke v Tonbridge & Malling BC (2020)

14. While the proposal is for a three-bedroom holiday-let that would be very different in nature to the type of buildings permissible in its place, I nevertheless give some limited weight to the potential 'fall-back' position for the erection of a 'Class E'² type building.
15. In addition the proposal would offer a range of economic and social benefits associated with holiday-makers and the construction of the holiday-let. These would include; employment opportunities during construction, the patronage of local services and shops, and visits to leisure type activities and attractions such as the nearby Hever Castle. Moreover, the proposal would include a number of environmental benefits in the form of renewable and sustainable technologies. However, while I acknowledge the appellants' business plan and strategy and their aspiration to remain living at Westwood Lodge for as long as possible, given that the proposal is for a single holiday-let, and bearing in mind the limits of Paragraph 11d (i) of the Framework when considered against the Council's Housing Land Supply, I attribute these benefits limited weight.
16. I have found that the proposal is inappropriate development that would erode the essential characteristics of the openness of the Green Belt. Furthermore, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate that very special circumstances exist.
17. Accordingly, the proposal is contrary to the Sevenoaks District Council Allocations and Development Management Plan 2015 when read as a whole, and Paragraph 147 of the Framework, which says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Conclusions

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

J E JOLLY

INSPECTOR

² Town and Country Planning (Use Classes) Order 1987