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## 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: 10<sup>th</sup> February 2022**

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**Appeal Ref: APP/G2245/D/21/3276403**

**Shiraz Eden, Tinkerpot Lane, West Kingsdown TN16 6AD**

- 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 Terry Robert against the decision of Sevenoaks District Council.
  - The application Ref 21/00533/House, dated 19 February 2021, was refused by notice dated 24 May 2021.
  - The development proposed is for the demolition of an existing double garage and part demolition of the newly built garages with rooms within the roof space. This is to be an annex and will be ancillary to the host house.
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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 clarity, I have used the description of development that has been provided on the appellants' appeal form.
4. I acknowledge that there is a typographical error in the appellants' statement of case. The error is found in the fourth paragraph of the section entitled 'Mitigation of impact on Green Belt'. The appellant has asked that the word 'would', that is contained within the second sentence of the same paragraph, to be replaced with the words 'would not.' I have proceeded accordingly.

### Main Issue

5. 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*

6. The appeal site is located in the Green Belt and is accessed via a gated and sloped driveway that leads down from Tinkerpot Lane. 'Shiraz Eden' is found at the end of the driveway and is a residential dwelling that faces onto the two-storey appeal building, that has an external 'log-store' to the rear, and a detached double garage adjacent to its eastern elevation. To the west of the appeal building there is a raised area of land.
7. The proposal is to demolish the existing double garage and to remove the 'log-store' to the rear of the two-storey appeal building. The appeal building would be used as an annex that would be ancillary to the host dwelling.
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 Paragraph 149 (c) applies, which says that exceptions include: 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
9. The appellant argues that in addition to the two separate permissions<sup>1</sup> for buildings at 'Shiraz Eden', at some point prior to 2017 there was a timber-boarded outbuilding on the raised area of land that is no longer standing.
10. Moreover, notwithstanding the Council's assertion that the 1964/5 permissions were iterations of the same garage, that the demolition of the double garage and the floor-space of the timber-boarded outbuilding, either separately or in combination with the floor-space of the 'log-store' once demolished, can be off-set against the floor-space of the appeal building in order to meet the requirements of Paragraph 149 (c) of the Framework.
11. However, from the limited and vintage evidence before me, the gathering of which falls squarely with the appellant, I cannot be certain of the floorspace size of the timber-boarded outbuilding, which in any event the main parties agree was demolished prior to the construction of the appeal building.
12. Therefore, in spite of the appellant's concerns for the precise footprint size of the appeal dwelling, or even if both the 'log-store' and the double garage were to be demolished, the fact remains that the already constructed floorspace of the remaining appeal building would still be in excess of the Council's 40m<sup>2</sup> threshold limit for residential outbuildings in the Green Belt, as set out in the Sevenoaks District Council, 'Development in the Green Belt', Supplementary Planning Document, 2015 (SPD).
13. I conclude therefore, and in the planning judgement, that the development would be inappropriate development in the green belt.

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<sup>1</sup> TH/5/64/604 and TH/5/604A

### *Openness*

14. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt. Therefore, while I acknowledge that the 'log-store' and the double garage would be demolished, and as a consequence that there would be a lesser number of buildings at 'Shiraz Eden', the appeal building is nevertheless a two-storey structure of some considerable height and mass. Indeed, the bulky building includes a pitched-roof and dormer, high level fenestration, roof lights and tall metal doors to the front. Additional landscaping would not provide satisfactory mitigation. As such, the building is jarring in appearance and has a substantial visual impact on the openness of the Green Belt.
15. It follows then, that the proposal is inappropriate development that would materially harm the openness of the Green Belt.

### *Green Belt balance*

16. 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.
17. The proposal would consolidate the built form at 'Shiraz Eden' and be sited lower than the former timber-boarded outbuilding. However, as the appeal building is a two-storey dwelling of some scale, I afford this very little weight. Moreover, given that the appeal building has already been constructed, I attribute minimal weight to the economic, social and environmental benefits of the proposal.
18. 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.
19. Accordingly, the proposal is contrary to Policy GB3 of the Sevenoaks District Council Allocations and Development Management Plan 2015, as supported by the SPD, 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**

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

*J E JOLLY*

INSPECTOR