



Appeal Decision

Site visit made on 21 February 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/G2245/D/21/3274023

The Beacon, 46 London Road, Farningham, DA4 0JP

- 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 Adrian Pollock against the decision of Sevenoaks District Council.
 - The application Ref 21/00048/HOUSE, dated 6 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed is a single storey side and rear extension to garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised in respect of this appeal are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt; and
 - b) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would those amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development and openness

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is one of seven specified exceptions (paragraph 149 of the Framework). One of the exceptions is 'the extension or alteration of the

building provided that it does not result in disproportional additions over and above the size of the original building’.

6. Policy GB3 of the Sevenoaks Allocations and Development Management Plan (the ADMP) indicates that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other buildings and extensions within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
7. The development in the Green Belt Supplementary Planning Document (SPD) offers further guidance. It indicates that the Council will seek to resist outbuildings of more than 40m² in order to protect the openness of the countryside. However, on my reading this guidance relates to new outbuildings and the proposal would not relate to a new outbuilding to which this guidance should be applied.
8. The dwelling house has not been extended in the past and the outbuilding is set within the property’s extensive grounds. There would not be a proliferation of outbuildings within the grounds, although there are some located along the property’s eastern boundary. The extension to the outbuilding would be ancillary to the main dwelling in terms of function and design.
9. The Council has undertaken a mathematical exercise which indicates that the existing building has a floor space of approximately 82m². The proposed extension to the outbuilding would add around a further 17.5m² of floor space to the rear and approximately 33.6m² to the side. Although the appellant’s mathematical calculation comes out at a lesser figure, this is only marginally lower. The rear and side additions would represent a substantial increase to both the footprint and volume of the existing outbuilding. As a result, the proposal would be a disproportionate addition to the outbuilding.
10. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 149 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
11. Paragraph 137 of the Framework indicates that openness is one of the essential characteristics of Green Belts. The proposal would result in a substantial increase in size of the outbuilding, and this would reduce openness by virtue of creating increased built development in the Green Belt. Whilst the effects would be moderate, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development.
12. Consequently, I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt. Policy GB3 of the ADMP may allow for outbuildings and extensions within the curtilage of a dwelling house but such developments are required to not materially harm openness. I have found that the proposal would not preserve openness and this brings the proposal into conflict with Policy GB3.

Other Considerations

13. The extension would be constructed of matching materials and would incorporate an open undercroft. The additional width to the outbuilding would be modest. The additions would be subordinate to both the main dwelling house and that of the existing outbuilding. The development would also be positioned on the lowest part of the site to assist minimise the impact on open land. These are attributes of the proposed development and hold moderate weight in favour of the proposal.
14. I acknowledge that the Green Belt SPD could allow for a stand-alone structure located on open land within the grounds. However, the impact of such a development would require its own assessment as to its impact upon the openness of the Green Belt. This holds no weight in favour of the proposal.
15. It is highlighted that a standalone building could be introduced as permitted development, and it is suggested that an outbuilding could be erected behind the dwelling house on higher ground. Even if an outbuilding could be erected under permitted development, this does not make the proposal more acceptable in respect of its inappropriateness and harm to openness. I therefore attach limited weight to the existence of any such permitted development rights.
16. The appellant is a motorcycle and car enthusiast. The extension to the outbuilding would facilitate vehicles to be raised on a ramp/platform to allow work to be undertaken below a vehicle. The additional area created by the extension would allow for additional alarmed and secure storage space associated with the applicant's hobby. The appellant has indicated a willingness to accept a condition requiring the building's continued use as ancillary and incidental to the enjoyment of the existing dwelling. This is noted. However, such personal benefits for the appellant do not justify the proposal and hold little weight in favour of the proposal.
17. The outbuilding is located away from adjacent residential properties. The proposed development would not be visible from the street scene and would not have a detrimental impact upon the Area of Outstanding Natural Beauty or the living conditions of existing neighbouring occupiers. In planning terms, the impact in respect of these matters would be required to be acceptable on their own merits, therefore, they hold neutral weight in favour of the proposal.
18. A stand-alone outbuilding has been permitted by the Council and erected on adjacent land within the curtilage of The Mount, Spare Penny Lane, Farningham. I have been provided the decision notice and approved plan details relating to that development. I was also able to view that building at my site visit. However, I have not been provided with the full detailed assessment of that case. In any event, the proposal before me differs from that development in that it is an extension of an existing outbuilding rather than the erection of a new outbuilding. It can and should be considered on its own merit. The outbuilding at The Mount holds no weight in favour of the proposal.

Conclusion

19. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework. Furthermore, the

proposal would not preserve the openness of the Green Belt as required by the Framework. In addition, the proposal would conflict with Policy GB3 of the ADMP. The proposed development would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In contrast, the other considerations carry, at best, moderate weight.

20. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework.

21. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR