



# Appeal Decision

Site visit made on 1 March 2022

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> March 2022**

**Appeal Ref: APP/H2265/D/21/3276423**

**1 Leney's Cottages, Addington Lane, Trottiscliffe, West Malling ME19 5DN**

- 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 B Cotton-Jones against the decision of Tonbridge and Malling Borough Council.
- The application Ref TM/21/00809/FL, dated 18 March 2021, was refused by notice dated 14 May 2021.
- The development proposed is described as a "two storey side extension".

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

## Main Issues

3. The main issues in this appeal are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and development plan policy,
  - the effect of the proposal on the openness of the Green Belt, and
  - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

## Reasons

### *Inappropriate Development*

4. The appeal site lies within the Green Belt. Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy 2007 (CS) states that national green belt policy will be applied to the west of the A228, which includes the appeal site. The Framework states at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, the essential characteristics of the Green Belt is their openness and permanence. The construction of new buildings should be

regarded as inappropriate in the Green Belt, other than in a limited range of specified exceptions, as set out in Paragraphs 149 and 150 of the Framework.

5. Thus, in accordance with paragraph 149 c) of the Framework, as the development proposes the extension of a building, it need not be considered as inappropriate development within the Green Belt provided it does not result in disproportionate additions over and above the size of the original building. The Framework clarifies that original building is that which existed on 1 July 1948, or if constructed after that date, as it was built originally.
6. Although the appellant states that a threshold of 50% increase to dwellings is accepted in the Green Belt, there is nothing before me to demonstrate that this is a figure that the Council readily accepts. Therefore, as both the Framework and CS do not define what is considered to represent a "disproportionate addition", it would be a matter of planning judgement, based upon the facts of the case.
7. In this instance, the Council calculate that the proposed extensions would increase the floorspace of the original building by some 68%. The appellant's calculations are based on cubic metres and states that the extension would result in some 57% increase over the volume of the original building. This deducts the existing single storey element from the calculations as it would be demolished. The Council have not presented any evidence that these calculations are misplaced.
8. However, in considering whether a development is disproportionate, it is not simply a matter of mathematical calculations. It is necessary to consider the scale of the development in relation to the host property. In this instance, the proposal would be sited to the side of the property and would be seen as a rather large extension. The ground floor element would extend beyond the existing footprint of the building and the overall scale would almost double the width and floorspace of the dwelling. To my mind, this cannot be viewed as anything other than a disproportionate addition over and above the size of the original building. Therefore, it would result in inappropriate development within the Green Belt.

### *Openness*

9. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness includes consideration of both visual and spatial aspects. Although the extension would be seen in the context of the existing semi-detached dwellings, and also against the host dwelling, from my observations the front and side of the property were clearly visible from its access road.
10. Whilst there is screening to the front boundary in the form of trees and other landscaping, the property to be extended is nonetheless evident from its access which is shared by two other properties. The proposed extensions would therefore also erode the visual openness of the Green Belt, albeit to a limited degree and from local vantage points.
11. Consequently, although spatially and visually the harm to openness would be limited, the Framework is clear in paragraph 148 that substantial weight is given to any harm to the Green Belt.

### **Other Considerations**

12. The Framework states that 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 development, is clearly outweighed by other considerations.
13. In this instance, the appellant refers to a previous permission for a similar development. However, this permission was granted some time ago in 1987 and has since expired. Thus, the weight afforded to it as a material consideration is limited. The appellant also asserts that the development would enhance the house, which is not conducive to modern living, with elements not meeting current Building Regulations.
14. Whilst I acknowledge these matters, I do not consider that they represent the very special circumstances required to overcome the great weight that the Framework places upon harm to the Green Belt.
15. The appellant also states that the conservatory could be removed as part of the scheme, which would reduce the overall volume of the building. However, the appeal system should not be used to evolve a scheme that has already been considered by the Council.

### **Green Belt Balance and Conclusion**

16. The Framework requires that substantial weight is given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt. The Framework states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. For the reasons given, I attribute limited weight to the private benefits of the proposal to the appellant. Consequently, I conclude that the other considerations put forward would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. The very special circumstances necessary to justify the development therefore do not exist and the development would conflict with the Green Belt protection aims of the Framework and Policy CP3 of the CS.
18. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

*Graham Wyatt*

**INSPECTOR**