



Appeal Decision

Site visit made on 8 February 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/G2245/W/21/3273509

Land Southwest of Stone Street Farmhouse, Stone Street, Seal, Kent

Grid Ref Easting: 557298, Grid Ref Northing: 154733

- 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 Guy Porritt against the decision of Sevenoaks District Council.
 - The application Ref 21/00161/FUL, dated 19 January 2021, was refused by notice dated 30 March 2021.
 - The development proposed is 'Demolition of the existing barn and associated buildings and the erection of a barn containing 1 x four-bed dwelling and parking'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework; ii) the effect of the proposal on the openness of the Green Belt; and iii) if the proposal would constitute inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to allow the appeal.

Reasons

Whether Inappropriate

3. Paragraph 147 of the National Planning Policy Framework (the Framework) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework states that other than in the case of specific exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
4. The appeal site is located within the Metropolitan Green Belt and the proposal would consist of the demolition of three agricultural buildings and the erection of a dwelling. The proposal would not comprise any of the exceptions mentioned at Paragraphs 149 and 150 of the Framework. The proposal would therefore constitute inappropriate development in the Green Belt.

Openness

5. The existing buildings within the appeal site comprise the small and innocuous washroom building, and storage shed, and the more substantial barn. They are

- of functional agricultural appearance, typical for the rural setting, and are located close to a cluster of buildings which historically formed part of the Foxbury/Stone Street Farm complex. They face out onto open countryside to the west and south.
6. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 138 identifies five purposes Green Belts serve, including, amongst other things, to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
 7. The proposed dwelling would be built in a 'T' shape over two levels. In most views from outside the appeal site it would appear as a large single storey building because one floor would be at basement level. The basement level would only be noticeable in views from the south where garage doors would be seen, cut into a slope. No existing or proposed site levels have been provided, but from what I saw on site, alongside the proposed indicative renders, considerable earthworks would need to be carried out around the proposed dwelling.
 8. Visually and spatially, the two smaller existing buildings have a minimal impact on the openness of the Green Belt on account of their agricultural appearance, limited size, and their positioning alongside the appeal site boundary and close to the cluster of neighbouring buildings. The barn has a much larger footprint, mass and height, and thus has a greater impact upon the openness of the Green Belt, but its effect is diminished to some extent by its functional agricultural form and appearance. The existing buildings therefore read as typical utilitarian agricultural buildings in their open rural surroundings against a backdrop of smaller scale traditional buildings to the northeast and do not appear disproportionately large for their countryside location and purpose.
 9. The 'T' shape layout of the proposed dwelling would present a wide profile along its west elevation facing out into the open countryside, while its north and south elevations would be of slightly less width than the existing barn. It would be lower in height than the existing barn, but not by much. From the lower land levels to the south its garage doors at basement level would emphasise the significant mass of the proposal. Overall, the proposal would appear as a substantial dwelling in all views, despite having a smaller footprint and lower ridge and eaves heights than the existing barn.
 10. Spatially, the proposed building would have less of an impact on the openness of the Green Belt than the three existing buildings combined. However, those three buildings are set out over a wide area and there are significant differences between the visual impact of those buildings and the existing state and use of the appeal site compared to the proposed dwelling and what would become its residential curtilage.
 11. The proposal would be seen as a substantial house within expansive residential grounds stretching to the southwest, away from the existing cluster of residential buildings and notably different to its surroundings. That is not to say its design would harm the character or appearance of the area, but visually the proposed dwelling and gardens would be conspicuous amongst smaller scale traditional buildings abutting rural fields. In contrast, the existing buildings and

state of the appeal site, including its areas of hardstanding, are unremarkable and expected agricultural features in the Green Belt.

12. The visual effect of the proposal on the openness of the Green Belt would therefore be greater than that of the three existing agricultural buildings and associated hardstanding, which form part of a characteristic farm complex in a countryside setting. The replacement of those buildings with a substantial dwelling and gardens would have the effect of failing to safeguard the countryside from encroachment.
13. Although the proposal would not harm the openness of the Green Belt in a spatial sense, it would harm the openness of the Green Belt visually. This could not be mitigated by landscaping. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.

Other Considerations

14. The main parties' submissions indicate that the Council is unable to demonstrate a five year housing land supply, and where this is the case Paragraph 11 of the Framework advises planning permission should be granted unless the application of policies in the Framework that protect Green Belts provides a clear reason for refusing development. Very special circumstances would need to exist to justify granting planning permission for the proposal because it would constitute inappropriate development in the Green Belt and harm the openness of the Green Belt.
15. It has been claimed that the proposal would comprise an innovative sustainable design which would enhance the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the setting of Stone Street Farm Cottage, which is a Grade II listed building. The proposed dwelling would comprise a contemporary design which could be built to energy efficient standards, but no details of any particular sustainability features have been presented. It would formalise and tidy the appearance of the appeal site and make a small contribution towards housing supply.
16. The proposal would have a minimal effect on the key characteristics of the AONB, which have been described as densely wooded farmland with small to medium scale irregular fields of pasture, narrow lanes enclosed by hedgerows and settlements including isolated farmsteads, small nucleated villages and isolated groups of large houses. The high quality contemporary design of the proposed dwelling and the removal of areas of hardstanding would offer some enhancements to the appearance of this part of the AONB. The replacement of typical agricultural buildings in an open yard arrangement with a distinctly modern large dwelling and extensive private garden area, and the associated changes in activity and use, would not conserve the landscape of the AONB, especially in long open views from the west. However, on balance, I consider there would be a small benefit to the character and appearance of the AONB on account of the high quality design of the proposed dwelling.
17. The nearby Grade II listed building has an historic relationship with the former farmstead. It is seen alongside the existing agricultural buildings and areas of hardstanding, as one would expect to experience an historic farmhouse and I am therefore unconvinced that the replacement of those agricultural buildings

with an overtly modern dwelling a further distance away from Stone Street Farm Cottage would enhance the listed building's setting. The effect of the proposal on the listed building would be neutral.

18. It has also been suggested that the proposal would offer opportunities for contaminated soil to be removed and biodiversity improvements to be provided. No details of how the soil is contaminated, why there would be any benefits resulting from its removal, or how biodiversity would be improved have been provided. I appreciate that such details could be required by conditions, but I cannot assign any significant weight to these claimed benefits in the absence of details demonstrating their magnitude.
19. References have been made to a fallback position allowing the existing buildings to be used for commercial purposes, possibly as 'permitted development', as there is no likelihood of them being used for agricultural purposes in future. I have not been presented with any details of a planning permission, prior approval or a certificate of lawfulness confirming any alternative uses of the buildings would be a genuine and realistic alternative option, or any evidence that there is no longer any demand for an agricultural use of these buildings. I am therefore not inclined to assign any significant weight to claims that a commercial use of the existing buildings would be a materially worse planning outcome than the proposal.
20. The benefits of the proposal, including the overall reduction of building volume and floorspace, would therefore be modest and would not comprise the very special circumstances necessary to outweigh the substantial weight which the Framework advises I should assign to the harm which would be caused to the Green Belt. The policies of the Framework therefore provide clear reasons for refusing to grant planning permission for the proposal.

Other Matters

21. I have been referred to the Council's decision to grant planning permission for the redevelopment of other agricultural buildings nearby, which previously formed part of the same farm. I have not been provided with the full details of that scheme, but from the excerpts of the officer report provided I can see that there are a number of different factors relevant to each scheme. From the information provided this previous decision of the Council does not affect my reasoning set out above.

Conclusion

22. The proposal would be inappropriate development in the Green Belt and would harm its openness. For the reasons set out above, the harm identified would not be outweighed by any other considerations and the very special circumstances required to justify the proposal have not been demonstrated. The appeal is therefore dismissed.

L Douglas

INSPECTOR