



Appeal Decision

Site visit made on 15 March 2022 by Emma Grierson BSc (Hon) MSc MRTPI

Decision by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/H2265/D/21/3284465

Woodruff, Mill Lane, Basted, Sevenoaks TN15 8PR

- 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 J Penn against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/01651/FL, dated 9 June 2021, was refused by notice dated 6 August 2021.
 - The development proposed is the erection of single storey side extension with glazing and bi fold doors to be used as dining/entertaining space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, revised July 2021 (the Framework), and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - Whether harm, by reason of inappropriateness, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it is inappropriate development

4. The appeal site is situated in a largely rural area that is within the North Kent Downs Area of Outstanding Natural Beauty (AONB) and washed over by the London Metropolitan Green Belt.
5. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions, including c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy (2007) (the CS) states that national Green Belt policy will be applied and therefore this is consistent with the Framework.

6. Woodruff is a two-storey, semi-detached dwelling that stands in a sloping garden plot off Mill Lane. The dwelling has previously been subject to two extensions: a two-storey side extension plus conservatory, and a two-storey rear 'infill' extension. The proposal is to construct a further single-storey pitched-roof extension to the side of Woodruff, opening onto an extended patio area. Of itself, the proposed extension would be relatively modest, read as subordinate in scale to the current building, and finished in matching materials.
7. The appellants' Design and Access Statement indicates the proposal would have a total external floor area of 10.33m² and volume of 36m³. I have not been provided with numerical values by which to establish the increase relative to the size of the original building. However, the evidence submitted by the Council indicates that extant extensions have already substantially increased the footprint and internal accommodation at Woodruff. The appeal proposal would add further to the original building's footprint, internal accommodation, bulk and mass. In my judgement, the appeal extension would have incremental and culminating effect, resulting in disproportionate additions that would be well in excess of the size of the original building.
8. Therefore, the proposed development would not satisfy any of the exceptions in paragraph 149 of the Framework, notably criterion c), and would be inappropriate development within the Green Belt.

Openness

9. Notwithstanding its relatively modest size, the proposed extension would increase the volume and bulk of the built form at the appeal site, causing an adverse spatial impact on the openness of the Green Belt. Although the appeal property is partially enclosed by the surrounding terrain and landscaping, there would also be a visual intrusion and erosion of Green Belt openness, perceptible from the road to the front of the site. As a consequence, the proposed development would have a small but nonetheless adverse impact on Green Belt openness.

Other Considerations

10. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A certificate of lawful development¹ has been granted for an outbuilding on the appeal site, which would occupy higher ground to the rear of the main dwelling. If carried out, the separate outbuilding would introduce a structure with a greater footprint than the proposed extension and, owing to its position, would have a more obvious visual impact on the site and Green Belt surroundings. I note that the outbuilding could be used as an alternative dining/entertaining space, and that the appellants would be willing to accept a condition removing permitted development rights, in relation to buildings incidental to the enjoyment of a dwellinghouse, on the appeal site. However, such a condition would only come about through granting planning permission for the proposed extension and could not, in my

¹ TM/21/00467/LDP

judgement, be reasonably used to restrict development of an outbuilding that already benefits from a certificate of lawful development. Thus, it would be possible to implement both developments on the appeal site and the potential for the fallback to offer reduced harm to the Green Belt carries less weight.

11. The proposed extension would be of high-quality design and materials, that would be in keeping with the existing dwelling and its surroundings. Even if there would be no harm to neighbours' living conditions, the character or appearance the area or the AONB, and there have been no objections from third parties, these are neutral considerations that do not weigh in favour of the proposal. Rather, I find that the appeal scheme would represent inappropriate development that would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework should be given substantial weight. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with policies CP3 of the CS, which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I do not find there are material considerations that indicate I should make a decision other than in accordance with the development plan. I therefore recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

H Porter

INSPECTOR