
Appeal Decision

Site visit made on 14 March 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2022

Appeal Ref: APP/G2245/W/21/3278749

Rose Cottage Farm, Church Road, Hartley DA3 8DT

- 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 Mrs Lisa Smith against the decision of Sevenoaks District Council.
 - The application Ref 21/00693/FUL, dated 4 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is demolition of existing dwelling and erection of 2 storey chalet dwelling, formation of new driveway and bellmouth entrance to Church Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt. Taking account of this, the main issues are:
 - whether the proposed dwelling would be inappropriate development in the Green Belt, having regard to relevant development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the development on the character and appearance of the area, having particular regard to trees; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The proposal seeks to replace a detached bungalow with a chalet bungalow in approximately the same position on the site. It also includes a new driveway, parking area and second vehicular access.
4. The Framework states that 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development subject to

certain exceptions set out in Framework paragraph 149, three of which could be relevant in this case.

5. Policies LO1 and LO8 of the Council's Core Strategy, adopted February 2011 (the CS) seek to maintain the extent of the Green Belt and ensure that development is compatible with policies for protecting the Green Belt. These policies are, therefore, broadly consistent with the Framework.
6. Policy GB4 of the Council's Allocations and Development Management Plan, adopted February 2015 (the ADMP) permits replacement dwellings in the Green Belt subject to four criteria. Two are in dispute in this case — b) design, built volume and openness and d) floorspace. Under this policy proposals are considered against an 'original' dwelling whereas in the Framework the assessment is against the existing building. This policy is not, therefore, entirely consistent with the Framework. I have taken this into account in my decision.

Replacement building

7. The 'floor space' and 'volume' figures in the officer report¹ are agreed by the main parties. However, given the dimensions in the application plans and the commentary elsewhere in the officer report, the proposed dwelling 'floor space' appears to be just the ground floor footprint of this building. Consequently, while the increase shown (from 137 sq.m in the existing dwelling to 148 sq.m) would be relatively modest, taking the proposed first floor into account the increase in floor space would be significantly greater. In addition, building volume would be substantially increased from 462 cu.m to 751 cu.m.
8. While the main rectangular core of the proposed dwelling would be broadly comparable in depth to the existing dwelling at ground level, the cross shaped building form would project front and back at first floor and roof level including two large gables. This would add substantial bulk. The building would also be significantly taller to eaves and main ridge heights and wider across the plot. The main roof would be about twice as long as the equivalent part of the existing dwelling, including two dormer windows, with a significant increase in the scale and massing of built form.
9. A 'redundant outbuilding' at the site has already been demolished so there is no building floor space or volume credit in this regard. From what I could see, some outbuildings (or parts) are used for storage, not living accommodation, such as for gardening equipment or to park a caravan. Garden sheds and the wooden car port are not permanent buildings. It was not clear whether a single unit mobile home was in use but the officer report states that it may require consideration under a further planning application. In terms of use or permanence these buildings cannot, therefore, be part of a comparison with the size of the proposed dwelling.
10. Part of one outbuilding appeared to be used as a home office/store, gym and/or games room. A double unit mobile home was in use and the Council has approved this type of development at the site². I have not been provided with a schedule of building floor space or volume but I saw that these buildings

¹ Page 4 - table

² Officer report - 03/01395/LDCPR 'stationing of a mobile home within the residential curtilage for use as a family annexe, incidental to the enjoyment of the main dwelling house'

(or parts) were not substantial in external dimensions. It is, anyway, not clear whether they would be demolished or removed.

11. Consequently, while the replacement building would be in the same use as the existing building (including part of one outbuilding and the double unit mobile home) it would be materially larger. It would therefore fail to meet the requirements of the exception set out in paragraph 149 d).

Limited infilling in villages

12. Parts of Church Road are lined with dwellings and include a sports field, pavilion and church. However, this linear development stretches along this rural lane and is intermittent or sporadic in nature. It has no discernible 'centre' as such and I have not been referred to any other facilities or services. The site is also geographically well beyond the edge of a defined settlement boundary, including Hartley, and plainly in the countryside. This part of Church Road does not, therefore, in itself constitute a settlement and the site is not in a built-up area or a village.
13. Consequently, the proposed dwelling would not be limited infilling in a village. It therefore does not meet the requirements of paragraph 149 e).

Redevelopment of previously developed land

14. As defined in the glossary to the Framework the site is previously developed land (PDL) and the proposal would result in its partial redevelopment. However, in order to satisfy this exception it is also necessary to consider the effect of the proposal on openness, which has a spatial and visual aspect.
15. While similar in siting to the existing dwelling, the proposed dwelling would result in a building with a substantial increase of built form on parts of the site at ground, first floor and roof level where none presently exists, especially above the single storey side extension flat roof. Although it would be sited slightly further back into the site, the building would span a greater part of the width of the site. This outward spread of built form would reduce openness to the site boundaries and to adjoining dwellings. In addition, the new driveway, parking area and second vehicular access would result in a large hardstanding replacing a grassed front garden. Moreover, its use to park cars would further erode the open and undeveloped nature of this part of the site next to Church Road.
16. Demolition of the redundant outbuilding has reduced built form on the site above ground, but the effect of this on openness already exists and a large hardstanding remains in situ. The demolished outbuilding does not, therefore, off-set the effect of the proposal on openness in this appeal. The claimed off-set has anyway since been diminished by the siting of the single unit mobile home in approximately the same position as the demolished building.
17. The other remaining outbuildings, and the hardstanding, are individually significantly smaller in size, scale or massing than the proposed dwelling or the area of new hardstanding, or are scattered across the site, behind and away from the existing dwelling. Even if all of this development was removed or demolished, the cumulative gain in openness across the site (by consolidation of development onto one part of the site) would not be off-set by the loss of openness arising from the size of the replacement dwelling and the area of new hardstanding. The effect on openness would be manifestly different.

18. Notwithstanding that the proposal would be partial redevelopment of PDL, it would have a greater impact on the openness of the Green Belt than the existing development. It therefore does not meet the requirements of paragraph 149 g).

Findings

19. For the reasons set out above, I find that the proposal would not meet the requirements to qualify as one of the exceptions set out in paragraphs 149 d), e) or g) of the Framework. It would also conflict with CS Policies LO1 and LO8 and ADMP Policy GB4 b) and d). Consequently, it would be inappropriate development in the Green Belt.

Character and appearance

20. Excavations for the new driveway, parking area and second vehicular access would be within the root protection areas of an Ash tree and a Sycamore tree. These trees add to the verdant, rural appearance of this part of Church Road and there is no evidence that they are in poor condition or have no longevity. While not subject to a Tree Preservation Order, they therefore have significant visual amenity value that is worthy of safeguarding. However, no tree report has been submitted or any suitable mitigation identified to avoid harm to these trees. While new landscaping is proposed, replacement trees would take many years to provide similar visual amenity.
21. In these circumstances, the adverse impact on these trees would cause limited harm to the character and appearance of the area. This element of the proposal would not comply with CS Policy SP11 or ADMP Policy EN1. These policies seek to conserve biodiversity and ensure the layout of development incorporates trees so as to avoid their loss. It would also conflict with objectives of the Framework to ensure that development adds to the overall quality of an area and is sympathetic to local character, including landscape setting (paragraphs 130 a) and c)) and would not respect the intrinsic character and beauty of the countryside (paragraph 174 b)).

Other considerations

22. The proposed dwelling would be high quality in external design and materials and take the place of the existing dwelling, which is of little intrinsic architectural significance. It would also consolidate existing living arrangements on the appeal site. These are factors in support of the proposal which attract limited weight.
23. The proposed dwelling would form part of a row of properties which vary in size and design and include houses, chalet bungalows and bungalows such that it would not look out of place. It would provide satisfactory living conditions for all future occupiers with no adverse effect on the living conditions of the occupiers of any existing dwellings. As at present the proposed dwelling could be accessed by modes of transport other than the private car. In these respects, the absence of harm, and compliance with the Council's development plan and the Framework, are therefore neutral factors in my decision.
24. There is no evidence that the proposed dwelling would meet a 'specialist need' or 'might release other already constructed housing'. Matters relating to the boundaries of the Green Belt and the allocation of sites for development are beyond the scope of this appeal which I have determined in the light of current

planning policies. None of these issues therefore have any bearing on my decision.

25. The size of other dwellings in the vicinity is not relevant to my assessment of the appeal proposal, which is based on the requirements in national and local planning policies for development in the Green Belt.

Green Belt Balance

26. I have found that the proposal would be inappropriate development in the Green Belt which would result in a small loss of openness. It would nonetheless fail to preserve openness and the scale of loss would not diminish the intrinsic harm to the openness of the Green Belt. These are matters which the Framework requires me to give substantial weight.
27. I have also found that the new driveway, parking area and second vehicular access would have an adverse impact on trees and cause limited harm to the character and appearance of the area.
28. There are no other considerations in support of the development which individually or collectively clearly outweigh the harms I have identified due to inappropriateness and loss of openness in the Green Belt, and to trees and the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

29. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
30. For the reasons given above, I therefore conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR