



Appeal Decision

Site visit made on 22 April 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2022

Appeal Ref: APP/G2245/W/21/3287493
52 Pilgrims Way East, Otford TN14 5QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs Bennett against the decision of Sevenoaks District Council.
 - The application Ref 21/02993/HOUSE, dated 6 September 2021, was approved on 3 November 2021 and planning permission was granted subject to conditions.
 - The development permitted is the enlargement of an existing house by construction of an additional storey.
 - The condition in dispute is No 5 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to the said Order shall be carried out or made to the dwelling without the grant of planning permission by the local planning authority.
 - The reason given for the condition is: In order to protect the openness of the Metropolitan Green Belt in accordance with Policy GB1 of the Sevenoaks Allocations and Development Management Plan.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable or necessary to protect the openness of the Metropolitan Green Belt.

Reasons

3. Planning permission was granted in November 2021 for an additional first floor storey at No 52, previously a single storey bungalow in a line of properties on the northern side of Pilgrims Way East within the Metropolitan Green Belt. On the date of the site visit construction work was underway.
4. Planning permission for the additional storey was granted subject to five conditions. The condition in dispute, No 5, precludes development permitted by Classes A, AA, B, C, D or E of Schedule 2 Part 1 of the General Permitted Development Order without a further grant of planning permission.
5. The planning officer's report on the application states that the floorspace of the bungalow when originally built was 105.4 sq m and after completion of the additional storey will be 302.9 sq m, figures which are not disputed by the

appellant. The scheme will therefore result in a 190% increase in floorspace compared to the original bungalow, nearly tripling its size.

6. Such an increase falls well outside Policy GB1(c) of the Sevenoaks Allocations and Development Management Plan 2015 which limits extensions to existing dwellings in the Green Belt to a 50% increase in floorspace. It also comprises a 'disproportionate addition' to the original dwelling in the terms of National Planning Policy Framework (NPPF) paragraph 149(c), and thus inappropriate development in the Green Belt.
7. Whilst 'very special circumstances' as defined by NPPF paragraph 148 sufficient to allow the proposal were judged to apply in this case, permitted development rights could allow further extensions over and above the 190% increase in floorspace already permitted. Since these would potentially reduce the openness of the Green Belt and conflict with Policy GB1(c) and NPPF paragraph 149(c), it is fully justified to remove such rights to bring any future proposals within planning control. This does not pre-empt any future applications but enables their consideration on a case-by-case basis.
8. The appellant argues that dwellings within the Green Belt are not excluded from permitted development rights, that they include built in protections to prevent harm, and there is nothing unique or special about the site to justify their removal. However, the disproportionate additions that have already been made to the dwelling do amount to a clear justification in this case.
9. The appellant refers to two recent appeal decisions relating to dwellings in the Green Belt where conditions to restrict permitted development rights were rejected on appeal. However, in the first case¹ the dwelling had only been extended by some 64% and there was no policy stipulating a maximum permissible extension unlike Policy GB1(c) here. The second case² concerned a replacement dwelling that was not materially larger than the previous dwelling and its outbuildings and was not therefore inappropriate development in the Green Belt. Neither case is thus comparable to the current appeal.

Conclusion

10. For these reasons the disputed condition is both reasonable and necessary to protect the openness of the Metropolitan Green Belt by maintaining planning control over any future proposals to alter or extend the dwelling. The appeal should therefore be dismissed.

David Reed

INSPECTOR

¹ APP/W4223/W/21/3271910

² APP/H2265/W/20/3264915