



Appeal Decision

Site visit made on 26 July 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2022

Appeal Ref: APP/T2215/D/22/3293611

1 Hook Green Farm, Hook Green Lane, Wilmington DA2 7AL

- 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 Brian Bickley against the decision of Dartford Borough Council.
 - The application Ref DA/21/01615/FUL, dated 4 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is for a detached cart lodge garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt;
 - (b) the effect of the proposed development on the character and appearance of the area, with particular regard to the appearance of the building and its siting; and
 - (c) would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The National Planning Policy Framework 2021 (the 'Framework') advises that the construction of new buildings in the Green Belt should be regarded as inappropriate development.
4. The Framework does however establish certain exceptions that should not be regarded as inappropriate development. Paragraph 149(c) allows for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Given the proximity of the proposal to the existing dwelling, the Council has considered it as an extension under Paragraph 149(c).
5. The Council has also given consideration as to whether the proposal falls within the exception of Paragraph 149(g) of the Framework, which allows the limited

infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. However, for development to not be inappropriate development under Paragraph 149(g) there is an explicit requirement to consider whether or not the proposal has a greater impact on the openness of the Green Belt than the existing development. In determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.

6. Policy CS13 of the Dartford Core Strategy 2011 (the 'Core Strategy') and Policy DP22 of the Dartford Development Policies Plan 2017 (the 'DDPP') set out the Council's approach to the assessment of proposals in the Green Belt. These policies are broadly consistent with the Framework.

a) Extension of existing building

7. Although the Framework does not explain what is meant by 'disproportionate', Policy DP22 of the DDPP states that proposals that result in volumetric increases of more than 30% over the original building will be resisted.
8. A two storey extension has already been added to the rear of the property and a side building is currently in the process of being erected. The appellant indicates that the rear extension and proposed garage alone would represent a 39% increase in volume over the original building. The volume of the side building would increase this figure still further.
9. That some of these works are to the rear of the property and infilled a courtyard does not alter the scale of the extensions already approved to the building. Similarly, the use of matching materials does not diminish the extent of volumetric increase above the 30% threshold. Taken altogether, the previous extension, the current works and the proposed garage would amount to substantial additions to the property, and which I find to be disproportionate over and above the size of the original building.
10. Accordingly, the proposal would be contrary to Policy DP22 of the DDPP and Policy CS13 of the Core Strategy and would fail to meet the exception set out in paragraph 149(c) of the Framework.

b) Redevelopment of previously developed land

11. The proposed garage would occupy land to the front of the existing dwelling and which aside from a concrete base contains no existing buildings or structures. The proposed garage would measure some 5m x 5.5m and have a maximum height of 3.7m.
12. By definition, the erection of such a building where none previously existed will reduced the openness of the Green Belt both in visual and spatial terms, when compared to the existing development. That there is hedging to two sides of the building would not alter this finding.
13. Accordingly, the proposal would conflict with the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. On this basis, the proposal would not meet the requirements of paragraph 149(g) and so would not fall within this exception.

14. The proposal would therefore be contrary to Policy DP22 of the DDPP and Policy CS13 of the Core Strategy.

c) Findings

15. Taking all the above into consideration, I conclude that the development would be inappropriate development in the Green Belt, contrary to local and national policy to protect it. It would also be harmful to the openness of the Green Belt. These are matters to which Paragraph 148 of the Framework requires me to attach substantial weight.

Character and Appearance

16. The proposed garage would be sited to the front of the dwelling but would appear subservient to it. It would be finished to match the existing dwelling and given its proximity this would be appropriate. It's finished appearance would also be in keeping with the neighbouring dwellings, Nos. 2 and 3 Hook Green Farm.
17. In and of itself, the garage would have an acceptable appearance. I also note that an identical garage building has been approved to serve No.3 Hook Green Farm, and which is currently under construction.
18. Unlike the garage serving No.3, which is set away from Hook Green Lane, the appeal proposal would be sited at the entrance to this attached group of dwellings and alongside Hook Green Lane. The proposed garage would be enclosed on two sides by high hedges. I noted on my site visit that the hedging appears to be mature and deep and screens the property as a whole from Hook Green Lane.
19. As planting can easily be removed, provide less protection at various times of the year or simply suffer disease and die, it should generally seek to complement a proposal and not in itself be relied upon to provide a permanent screen. However, in this particular case, it seems to me that any occupier of No.1 Hook Green Farm would wish to maintain some form of screening along the boundary with Hook Green Lane, and the site entrance, in order to maintain a certain level of privacy and security.
20. Were the hedging to diminish over time, there would be some small erosion of the rural character of the lane by the increased visibility of the garage. However, such a building would in turn act as a screen to wider views of the fronts to Nos.1-3 Hook Green Farm and their courtyards/parking areas. Thus, the overall impact would be marginal.
21. I therefore conclude that the building, with particular regard to its appearance and siting, would not be unduly harmful to the character or appearance of the area. It would accord with Policies DP2 and DP7 of the DDPP which, amongst other things, require development to respect its context, ensuring that it does not result in any unacceptably designed built form.

Other Considerations

22. The proposed building would provide a garage to a dwelling which currently does not benefit from such provision. Whilst I acknowledge that having a garage may benefit the appellant's personal circumstances, Planning Practice

Guidance¹ advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.

23. The proposal would not harm the outlook from the existing dwelling and would retain sufficient parking provision for 3 cars. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.
24. I have noted the garage under construction for No.3 and which would be identical to that proposed for No.1. I have also noted that there are other properties in the vicinity which have outbuildings. However, I have considered the proposal on its own merits with regard to its appearance and siting and found it to be acceptable. The existence of other garages/outbuildings have no bearing on whether the appeal proposal amounts to inappropriate development or whether it affects the openness of the Green Belt. Accordingly, I attribute limited weight to them.
25. I have found the proposal in itself to have an acceptable siting and appearance. However, such matters are a requirement of the development plan and are therefore to be expected. Furthermore, they do not prevent the proposal from representing a disproportionate cumulative addition to the original building and harming openness.

Green Belt and Planning Balance

26. The proposal as a whole would constitute inappropriate development in the Green Belt which would also be harmful to openness. As such, the Framework requires me to give these collective harms substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is not just outweighed but is clearly outweighed by other considerations.
27. The weight I give to the other considerations cited in support of the proposal is limited, for the reasons I have given. These other considerations do not clearly outweigh the harm the development would cause to the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist.
28. I find that the proposal conflicts with the development plan and that other material considerations do not indicate that the appeal should be determined otherwise.

Conclusion

29. For the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR

¹ Paragraph: 015 Reference ID: 21a-015-20140306