



Appeal Decision

Site visit made on 16 February 2023

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 March 2023

Appeal Ref: APP/G2245/D/22/3296530

The Bower Farmhouse, Hever Road, Edenbridge, Kent TN8 7LE

- 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 Jeff Arnold against the decision of Sevenoaks District Council.
 - The application Ref 21/03842/HOUSE, dated 22 November 2021, was refused by notice dated 28 March 2022.
 - The development proposed is the enclosure of the walls of oak framed gazebo with oak cladding, for use as a home office and fishing lodge.
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Decision

1. The appeal is allowed and planning permission is granted for the enclosure of the walls of oak framed gazebo with oak cladding at The Bower Farmhouse, Hever Road, Edenbridge, Kent TN8 7LE in accordance with the terms of the application, Ref 21/03842/HOUSE, dated 22 November 2021, and the plans submitted with it, subject to the following condition.
 - 1) No external lighting shall be installed or attached to the building or the decking unless permission has first been sought from and granted by the Local Planning Authority.

Main Issues

2. The application was submitted retrospectively and the development had been completed at the time of my site visit. The main issues are:
 - i) Whether the development amounts to inappropriate development within the Green Belt;
 - ii) The effect of the development on the character and appearance of the area and on the setting of nearby listed buildings; and
 - iii) If the development does amount to inappropriate development within the Green Belt, whether the harm in that respect, and any other harm, is outweighed by other considerations such as to amount to the very special circumstances needed to justify the development.

Reasons

Whether Inappropriate Development

3. The proposal is situated within the Green Belt where new development is strictly controlled under national and local planning policy. The National Planning Policy Framework (the Framework) identifies that new development

within the Green Belt will be considered inappropriate, unless it falls within a limited number of exceptions, as listed at paragraphs 149 and 150.

4. Policy GB3 of the Sevenoaks Allocations and Development Management Plan (2015) (the SADMP) was adopted following the publication of the Framework and states that outbuildings located more than 5m from the main dwellinghouse will be permitted where the building, including the cumulative impact of other outbuildings and extensions within the curtilage of the dwelling would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
5. There is no comparable policy directly relating to outbuildings within the Framework but paragraph 149(c) does allow for the extension or alteration of a building providing that it does not result in a disproportionate addition over and above the size of the original building. Policy GB3, as it applies to dwellinghouses and associated outbuildings is not out of kilter with the aims of that policy.
6. The Bower Farmhouse is a substantial dwelling set within an extensive garden which stretches out from the house towards the man-made fishing lake which forms an attractive ornamental feature within the grounds of the property. In comparison to the scale of the dwelling itself and the associated garden, the outbuilding is extremely small and is clearly ancillary in function, serving as a home office and fishing lodge. The Council has not directed me to any other outbuildings or extensions to suggest that there has been a cumulative impact on the GB.
7. In terms of volume, the structure is no larger than the gazebo that the Council previously found to be acceptable. Filling in the sides of the structure has led to a reduction in the ability to view through the structure but in the context of the open setting within which the building sits, the impact is extremely limited. When viewed from the higher ground to the immediate rear of the dwelling the structure sits modestly in the landscape and the enclosure of its sides has had a minimal visual impact on the overall sense of openness. When viewed from the lakeside, the glazed frontage maintains views into the building and provides a lightweight appearance. Thus, the Council's assertion that the enclosure has resulted in a building with excessive bulk and visual intrusion is less than convincing. When viewed in its context it appears as what it is; a small ancillary outbuilding within substantial grounds, surrounded by open space.
8. Consequently, taking account of its physical size, which is no larger than the previously approved structure, and the limited visual impact, I am satisfied that the enclosure of the structure does not contravene the aims of policy GB3 or paragraph 145(c) of the Framework. As such it does not amount to inappropriate development within the Green Belt.

Character and Appearance of the Area and Setting of Nearby Listed Buildings

9. As noted, the outbuilding sits within substantial grounds to the rear of the Bower Farmhouse which is a Grade II listed building, within a former farmstead comprising a number of buildings and structures of historic

interest, including a timber-framed barn (now converted) which is independently listed, also at Grade II and a converted oast house.

10. The significance of the listed buildings comes primarily from their historic fabric, evidence of building techniques, and the relationship between buildings within the farmstead which form a strong grouping in a vernacular style. The undeveloped nature of the land surrounding the buildings enables them to be viewed as a group and is important in that sense but the man-made lake is clearly a modern, ornamental, intervention that has little historic significance in terms of the function of the former working farm and associated agricultural buildings.
11. The Council maintains that the enclosure of the building has resulted in a building of domestic appearance. However, the same could be said of the previous structure; few buildings are more domesticated than an ornamental gazebo. When viewed from the listed buildings, the oak cladding on the rear elevation is visible and this provides for a very simple structure in materials that are not out of keeping, given the timber work on the host dwelling and the adjacent barn. The more modern glazed frontage relates to the lake and has no discernible impact on the setting of the buildings.
12. Moreover, the scale of the building is modest, it does not impinge on the generally open character of the site, and it is set down by the lakeside some distance from the listed buildings. It is not unusual to find a domestic building within the curtilage of a residential property. The associated decking is set to the front of the structure, discreetly close to the existing ground levels and away from the listed buildings. It does not appear unusual in a lakeside setting where one may expect to see timber pontoons or the like and it clearly relates functionally to the outbuilding.
13. Overall, the structure and its associated decking is modest in scale, uses sympathetic materials and does not effect the ability to read or appreciate the nearby listed buildings within their established setting. In my view, the impact is no greater than the gazebo that was previously approved by the Council. Consequently, I find no harm to the character or appearance of the area and am satisfied that the setting of nearby listed buildings has been preserved. For the same reasons, the landscape and scenic beauty of the Kent Downs and High Weald Area of Outstanding Beauty (AONB) has been maintained.
14. It follows that the development complies with the aims of policies EN1, EN4 and EN5 of the SADMP which, amongst other things, require proposals to be of high quality design which responds to the topography and character of the site; to preserve or enhances the setting of designated heritage assets; and to preserve the character of the AONB.

Conditions

15. Given that the development has already taken place there is no need to impose a condition relating to the commencement of work. Similarly, it is not necessary to attach a condition to ensure compliance with the submitted plans because the development has been completed and there is no suggestion that it differs from what is shown on the submitted drawings. For

the same reasons, there is no reason to impose a condition relating to materials because the development has been completed and my decision relates to the building as constructed.

16. A condition is necessary to control external lighting, in the interests of the character of the area and AONB. The Council has requested a condition relating to ecological enhancements on the basis of policy EN5 of the SADMP. However, that policy does not explicitly require ecological enhancement but seeks "where feasible" to secure enhancements in accordance with the Sevenoaks Countryside Assessment SPD. That document does not appear to have been provided and, consequently, the policy basis or rationale for the suggested condition has not been clearly set out. Nor is it clear precisely what the Council seeks to achieve in terms of any scheme. Moreover, given that I have found that the development has preserved the landscape and scenic beauty of the AONB and had little impact over and above the pre-standing pergola, such a condition is unnecessary.
17. The development is put forward as a home office and fishing lodge, incidental to the use of the dwelling at the Bower Farmhouse. That is the basis upon which I have made my decision. Having viewed the building I have no reason to doubt that is the intended purpose, notwithstanding reports of events being held within the grounds of the dwelling in the past. There is nothing to indicate that the building was enclosed for the purpose of running events or that it would be used for that purpose in future. Should the building be put to any materially different use planning permission would be required. Consequently, it is unnecessary to attach a condition to state the approved use of the building which would be as set out in the planning permission itself.

Conclusion

18. For the reasons given the development is not inappropriate within the GB, would cause no harm to the character and appearance of the area and would preserve the setting of nearby listed buildings. It complies with the relevant policies of the development plan in those respects. Accordingly, I shall grant planning permission subject to the condition set out above.

Chris Preston

INSPECTOR