The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2023

by Chris Preston BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/G2245/D/22/3296795
Chart Farm House, Styants Bottom Road, Seal, Sevenoaks TN15 0ES

- 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 Tim Beazleigh against the decision of Sevenoaks District Council.
- The application Ref 21/04091/HOUSE, dated 14 December 2021, was refused by notice dated 22 February 2022.
- The development proposed is a first floor side extension.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The site is situated within the Metropolitan Green Belt. As set out in the National Planning Policy Framework, new buildings are considered as inappropriate development within the Green Belt unless they fall within a the list of exceptions set out at paragraph 149. Of relevance in this instance is paragraph 149(c) which states that the extension or alteration of a building will not be inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building.

3. The original building relates to the property as it stood in 1948 and it is necessary to take account of the cumulative effect of any additions since that time. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (2015) (the SADMP) sets the local approach to the interpretation of that national policy. It is a criteria based policy which allows for proportionate additions to existing dwellinghouses, providing that they remain subservient to the original property and subject to a limitation on additional floorspace of 50% over and above the original.

4. That percentage is applied cumulatively in line with paragraph 149(c) of the Framework. In this case, the dwelling has been extended previously through the addition of two storey extensions to the rear and side and the erection of an outbuilding and triple bay garage within 5 metres of the dwelling. In line with established caselaw those outbuildings would essentially be considered as extensions to the dwelling. The Council maintains that the original dwelling had a floorspace of 186sqm and that the additions to date have resulted in a floorspace of 382sqm which would be a 105% uplift.

5. The appellant suggests that the figure is somewhat lower, citing an extension and detached garage with a combined floorspace of 149.6sqm. If the currently

proposed extension was added this would result in an uplift of 78.4% in their view. It appears to me that the Council's figures may be more accurate, taking account of historic extensions and the additional outbuilding as well as the garage. Nonetheless, even based on their own figures, the appellant does not dispute that the proposed extension would amount to a disproportionate addition, when considered cumulatively with previous extensions.

6. Even though it is small, of itself, I agree with that position. The previous extensions are substantial in both floorspace and volume and the combined effect has reached a point where further cumulative additions would be disproportionate in the context of Green Belt policy.

7. In line with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances. Substantial weight must be given to any harm to the Green Belt as set out in paragraph 148 and very special circumstances will not exist unless that harm, and any other harm, is outweighed by other considerations. The Council has not identified any other harm in this instance and I see no reason to diverge from that assessment.

8. Given that the appellant accepts that the proposal would amount to inappropriate development the main issue is whether there are any other considerations that would outweigh the harm to the Green Belt.

Reasons

9. The appellant's main arguments in favour of the proposal is that it is of modest scale and in keeping with the character of the dwelling and its surroundings, including the Kent Downs Area of Outstanding Natural Beauty. Those points are not disputed by the Council and the design would undoubtedly reflect the design and materials of the original property. However, any new development is expected to be well designed and take account of the character of its surroundings and preserve the scenic beauty and landscape of the AONB under local and national planning policy. Thus, the fact that the proposal is well-designed does not amount to a positive benefit in support of the scheme.

10. The removal of the unsympathetic flat roof of the existing single storey side extension would result in a minor aesthetic improvement but the existing structure is very modest in scale and does not unduly detract from the character of the house as a whole. Consequently, I only attach limited weight to those aesthetic improvements.

11. In terms of scale, the proposal is modest but it would add to the bulk of the property, and increase the overall impact on the openness of the Green Belt.

12. In essence, the appellant's case is that the absence of any other harm should be taken as a positive factor that amounts to very special circumstances. However, for the reasons given, the absence of other harm does not amount to a positive material factor to weigh in the balance when all new development is expected to accord with relevant design policies. The absence of harm is therefore neutral in the planning balance and does not outweigh the substantial harm I am required to attach to the harm caused by the inappropriateness of the proposal.

13. In view of the above, it is clear that the very special circumstances needed to justify the proposal do not exist. The proposal is contrary to the relevant policy

of the development plan with regard to extensions within the Green Belt and there are no material considerations that suggest that a decision should be taken other than in accordance with the development plan.

14. Accordingly, I shall dismiss the appeal.

Chris Preston

INSPECTOR