



Appeal Decision

Site visit made on 16 February 2023

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/G2245/D/21/3287945

Tudor Cottage, Hartfield Road, Cowden TN8 7HE

- 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 Caroline Stead against the decision of Sevenoaks District Council.
 - The application Ref 21/02508/HOUSE, dated 27 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is the erection of a two bay oak framed garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would represent inappropriate development within the Green Belt; and
 - ii) 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 a grant of planning permission.

Reasons

Whether Inappropriate Development

3. In line with paragraph 149 of the National Planning Policy Framework (the Framework), new buildings should be regarded as inappropriate development within the Green Belt, unless they fall within a limited number of exceptions. There is no exception for residential outbuildings but, under paragraph 149(c), an extension to a dwellinghouse will not be inappropriate providing that it does not result in disproportionate additions over and above the size of the original building. The Courts have held that outbuildings can be considered as an extension to a property on the basis that they may be a 'normal domestic adjunct' and, given its proposed use, the proposal may be considered in that context.
4. The original building is as it stood in 1948 or, if constructed after that date, as it was originally built. Thus, in determining whether a proposal is disproportionate it is necessary to consider the cumulative effect of any

- previous additions to the property, either since 1948 or since it was constructed.
5. Policy GB3 of the Sevenoaks Allocations and Development Management Plan (2015) (the SADMP) provides the local Green Belt policy as it relates to outbuildings. It states that outbuildings more than 5m from the dwellinghouse, which would be the case here, 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 intrusion.
 6. In terms of its function and design the modest two-bay garage would clearly be ancillary to the dwellinghouse. The key question is whether the proposal, in combination with other additions to the property, would materially harm the openness of the Green Belt through excessive bulk or intrusion. Whilst the wording of the policy does not directly refer to whether a proposal would amount to a disproportionate addition, it seems to me that the aims are broadly consistent with the wording of paragraph 149(c) of the Framework. In effect one needs to assess the impact of a proposal, in combination with other additions, having regard to matters of scale, bulk and the effect on the openness of the Green Belt.
 7. The Council's Development in the Green Belt Supplementary Planning Document (the SPD) identifies that the Council will seek to restrict any outbuildings to a limit of 40sqm. Whilst the SPD is guidance and not policy it provides a useful rule of thumb for the assessment of curtilage buildings.
 8. Whilst the garage is modest of itself it is clear that the dwelling has been extended substantially and that other outbuildings have been constructed within the curtilage, including the single garage to the side and the outbuilding to the rear. The cumulative footprint of those existing outbuildings is already above the 40sqm guide and the current proposal would have a footprint of 37sqm. Thus, the combined footprint would be significantly above that considered suitable by local policy and guidance.
 9. Moreover, the planning history for the site shows that a substantial two storey extension was approved in 1997 and this has subsequently been constructed. When combined with the scale of the previously constructed extension and outbuildings it seems to me that the current proposal would represent a disproportionate addition to the existing dwelling. It would also materially harm the openness of the Green Belt in a physical sense, being erected on land that is presently free from development and in a visual sense, due to its position in the front garden, between the dwelling and the highway which is presently free from any notable buildings. In that sense, whilst it would be visually separate from the existing outbuildings, it would add to the spread and coverage of buildings across the site.
 10. The appellant contends that the combined size of the outbuilding and other outbuildings would be expected for a property of the scale of the existing dwelling. However, any general expectation of what may be expected must take account of the policy considerations that apply in any given area. In this case, the proposal sits within the Green Belt where particular restrictions apply and where there is a strong policy imperative to maintain the openness of the

area. Consequently, the appellant's assertions in that respect do not alter my conclusions on the disproportionate scale of the proposal.

11. For all of those reasons, the proposal would not comply with the terms of policy GB3 of the SADMP and would represent a disproportionate addition to the property that would materially harm the openness of the Green Belt. Given that the building would not sit within any of the exceptions set out in paragraph 149 of the Framework it would constitute inappropriate development within the Green Belt.

Other Material Considerations

12. Reference has been made to local examples of outbuildings that have been constructed within the gardens of other properties within the local area¹. However, as set out above, the question of whether a proposal will be acceptable in any given circumstance will relate not only to the scale of the outbuilding itself but on the planning history of the respective dwelling and the degree to which it has been extended previously. Without knowing the full details of the properties in question in those respects it is difficult to draw any direct comparison with the appeal proposal. Therefore, reference to other developments does not add weight in favour of the scheme.
13. I recognise that the garage would be sympathetically designed in terms of its materials and external appearance and that well established landscaping would help to soften and screen its impact. However, any new development would be expected to be sympathetically designed in order to comply with local and national planning policy, particularly having regard to the location within the High Weald Area of Outstanding Natural Beauty. As such, the absence of harm in that respect is not a matter that weighs positively in favour of the proposal.

Planning Balance/ Very Special Circumstances

14. 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. I am required to give substantial weight to any harm to the Green Belt and very special circumstances will not exist unless that harm is clearly outweighed by other material considerations. Given the lack of weight I attribute to the other matters raised by the appellant, it is clear that such circumstances do not exist in this case.

Conclusion

15. For the reasons given, the proposal is contrary to the most relevant policy of the development plan and the aims of the Framework with respect to development within the Green Belt. There are no material considerations to justify a decision other than in accordance with the development plan and, accordingly, I shall dismiss the appeal.

Chris Preston

INSPECTOR

¹ Paragraph 25 of the appellant's appeal statement