



Appeal Decision

Site visit made on 28 March 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/G2245/D/22/3300772

Brookside, Marsh Green Road, Marsh Green, Kent, Edenbridge TN8 5QR

- 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 and Mrs Coiro against the decision of Sevenoaks District Council.
 - The application Ref 22/00871/HOUSE, dated 28 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following my site observations, the car port subject to the appeal has now been constructed and I will therefore deal with the appeal scheme on a retrospective basis.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Criterion c) of paragraph 149 would be the most applicable to this appeal. This exception relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. Planning case law¹ highlights that an extension need not have physical attachment to the existing property in order to be deemed an extension. The car port is located within the curtilage of the dwellinghouse and would be ancillary to the main property, therefore it is a matter of planning judgment whether it would be considered an extension.
6. However, Policy GB3 of the Sevenoaks District Council Allocations and Development Management Plan, adopted February 2015 (DMP), provides further clarity in regard to what is deemed an extension. The policy states that outbuildings located within 5m from the existing dwelling will be deemed as an extension and assessed under DMP Policy GB1. Where a building is more than 5m from the existing dwelling it will be deemed an outbuilding and would be permitted subject to being ancillary to the main dwelling and not materially harming openness.
7. Given that the proposal is for an ancillary car port located in excess of 5m from the existing dwellinghouse, it would not be considered an extension under DMP Policy GB3, and thus would fail to be an exception under criterion c) of paragraph 149 of the Framework. Consequently, the proposal would be inappropriate development in the Green Belt.

Openness

8. There are spatial and visual aspects to the assessment of the openness of the Green Belt. The Sevenoaks District Council Development in the Green Belt Supplementary Planning Document (SPD) adopted February 2015, seeks to restrict outbuildings in the Green Belt to 40m². In spatial terms, the appeal proposal provides a new footprint of approximately 62m² which is in excess of that considered appropriate in the SPD. Furthermore, the proposal provides an increase in the development in terms of height, with a ridge height of approximately 4.5m, and therefore has an adverse impact on the openness of the Green Belt in spatial terms through the combination of increased footprint and height.
9. With regard to the visual aspect, the main property is visible from public vantage points along Marsh Green Road to the front. The proposal is tucked along the flank of the existing dwellinghouse and amongst other adjoining outbuildings. Whilst views are screened by the existing vegetation including trees, shrubs and hedgerows, the roof of the single storey outbuilding, is nevertheless visible from the surrounding area and as such, intrudes upon the openness of it.
10. Notwithstanding this, the site itself occupies a small ribbon of residential development which includes two storey dwellinghouses and single storey outbuildings providing a more developed feel. This contrasts with the much less developed open space that surrounds the area. As such, given the variation I conclude in visual terms, the scheme would have no significant effect on the visual aspect of openness of the Green Belt.
11. Nevertheless, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

Other considerations

12. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
13. I note that both parties consider the development has no adverse effect on the character and appearance of the area and the amenity of neighbouring occupants. Nonetheless, the absence of harm in these regards is neutral in my assessment, carrying neither positive weight in favour of the development nor negative weight against.
14. The ancillary accommodation would provide the appellant with the ability to park vehicles inside the car port, however given the existing levels of hardstanding and areas for off-street parking and turning, the current layout appears to be functional and sufficient to provide an adequate living environment for its occupants. Accordingly, I give this matter limited weight.

Green Belt balance and conclusion

15. The development plan and the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. There are no other considerations put forward that clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and the harm to openness that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given, and having had regard to all other relevant matters raised, the appeal is dismissed.

Robert Naylor

INSPECTOR