



Appeal Decision

Site visit made on 2 May 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/G2245/W/22/3307486

**Stable Block on Park House Farm, Bower Lane, Eynsford, Dartford, Kent
DA4 0HN**

- 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 Terry Wilson against the decision of Sevenoaks District Council.
 - The application Ref 22/01298/FUL, dated 6 May 2022, was refused by notice dated 14 September 2022.
 - The development proposed is described as 'retrospective consent for alterations and conversion of an existing stable block to a single dwelling house and associated vehicular/pedestrian access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is under construction. An extra window not shown in plan numbers 1697/A3/200B, 210C and 211C has been inserted into the southwest (front) elevation of the proposed dwelling. The appeal has been determined on this basis.

Main Issues

3. The appeal site is in the Green Belt. The main issues in this appeal are:
 - whether the development is inappropriate development in the Green Belt, having regard to local and national planning policy and any effects on openness and the purposes of the Green Belt; and
 - whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations to amount to very special circumstances required to justify the proposal.

Reasons

Planning policy

4. Policy GB7 of the Council's Allocations and Development Management Plan February 2015 (the ADMP) applies to re-use of buildings in the Green Belt that are of permanent and substantial construction. In this respect it is consistent with the National Planning Policy Framework (the Framework) exception to inappropriate development in the Green Belt at paragraph 150(d). ADMP Policy GB7 also requires conversion without major or complete re-construction that would detract from the original character of the building.

5. The Council's Development in the Green Belt Supplementary Planning Document February 2015 (the SPD) refers to the extension of buildings to be converted in the context of Policy GB7. In this respect, the main parties have referred me to the exception to inappropriate development at Framework paragraph 149(g) for limited infilling or the partial or complete redevelopment of previously developed land (PDL) in the Green Belt. Though not cited in the Council's reason for refusal, the main parties have also referred to Policy LO8 of the Council's Core Strategy February 2011 (the CS). Amongst other things it states that the extent of the Green Belt will be maintained.

Whether inappropriate development

6. It is agreed that the conversion of the stable block includes its extension and that the development is for limited infilling or the partial or complete redevelopment of PDL in the countryside. There is no dispute about the principle of residential re-use of the stable block or the appeal site.
7. There is no structural survey of the stable block or method statement for the works undertaken. Albeit run-down, in 1991 a photograph shows it had concrete blockwork elevations and a monopitch roof. A 2018 photograph shows the structure and fabric had been improved with cladding or rendered elevations and a new monopitch roof with front overhang. The Council has also referred to a concrete floor slab. On the evidence before me, this permanent building was substantial in construction.
8. The stable block has been enlarged by a new front elevation and roof and some new floor slab, internal walls and fenestration added. While the scope of these works is notable, and even if less than 75% of the original structure has been retained (a situation nonetheless within the scope of the SPD), there is no apparent evidence of major or complete reconstruction. Subject to removing a large, incongruous lantern rooflight (which the appellant agrees to and could be secured by a condition) the development would broadly reflect the character of the stable block in terms of the position of the rear and both side elevations and its intrinsic shape, layout and some dimensions.
9. However, the roof overhang did not form part of the external building envelope of the stable block. In the submitted plans the entire building is now about 2m deeper (front to back) and floor area is increased to just over 186m² – both an approximately 50% addition. While no volumetric calculation has been provided this is a significant increase in size and in built form where there was none before. The site is as a result no longer developed in any equivalent or comparative sense to its original condition, nor has the stable block remained unchanged, including that the enlarged building would take on a distinctly different domestic appearance and character. This spread of built form and its residential use would have a permanent innate spatial presence. Though well set back, the dwelling would have a clear visual presence in views from Bower Lane which is at a higher level.
10. The development would, therefore, have a greater impact on the openness of the Green Belt than the existing development and would not preserve openness. Albeit a small loss and within the general extent of the PDL the development would reduce the openness of the Green Belt, which is one of its essential characteristics, and be at odds with a purpose of the Green Belt to safeguard countryside from encroachment.

11. Accordingly, while I find that the development complies with ADMP Policy GB7, by virtue of this increased size of the resulting building the extent of the Green Belt would not be maintained so there is conflict with CS Policy LO8. Furthermore, by virtue of its effect on openness and a purpose of the Green Belt the development does not meet the exception in Framework paragraph 150(d) or, due to effect on openness, the exception in paragraph 149(g). Consequently, it is inappropriate development in the Green Belt.

Other considerations

Provision of housing

12. The Council cannot currently demonstrate a 5-year supply of deliverable housing sites. According to the appellant it was a 2.9-year supply and I have not been informed otherwise. The proposal would make efficient and effective use of a small windfall site to provide a new two-bedroom home. This would be aligned with objectives of the Framework to significantly boost the supply of homes and meet specific housing needs. Notwithstanding the extent of the shortfall, the social and economic benefits of constructing and occupying a single new home would be modest.

Kent Downs Area of Outstanding Natural Beauty (the AONB)

13. The AONB is a nationally designated landscape. It has the highest status of protection in relation to conserving and enhancing its landscape and scenic beauty. Its distinctiveness includes rolling farmed downland with deep valleys and long open views. The development has improved the appearance of the stable block and the dwelling would fit into the linear straggle of nearby buildings along this ridge top lane without unduly intruding into any long distance views across the countryside. As such, it would conserve and enhance the landscape and scenic beauty of the AONB and is a factor of moderate weight in support of the development.

Setting of listed building

14. Bower Farm House is a Grade II listed building (the LB). Its significance includes that it dates from the late 18th to early 19th century with distinctive red bricks, tiled roof, sash windows and a penticed weather porch. While both buildings can be seen together from the lane an intervening row of tall, mature fir trees, a fence and understory planting give each building and plot a discrete context and prevents any direct intervening visual or spatial relationship. Accordingly, the development would have a neutral effect on the setting of the LB. This would preserve the setting of the LB and cause no harm to this designated heritage asset. This is a neutral factor in my decision.

Other development

15. Three proposals approved by the Council¹ were for householder developments in the Green Belt. Moreover, the conclusions of Council officers about effect on the Green Belt were also in the context of those sites, the existing development and relevant development plan policies. Even if the development does not contravene other Council Green Belt development plan policies, including GB1 and GB4, I have not been provided with a copy of these so I cannot be sure

¹ SE/16/02494/HOUSE, 18/02730/HOUSE and 20/00131/HOUSE

they are relevant. These decisions and policies do not therefore assist me in this appeal which I have determined on its planning merits.

Other matters

16. The development would provide satisfactory living conditions for future occupiers and not harm the living conditions of the existing occupiers of nearby dwellings. Subject to conditions the proposal would be acceptable in highways and parking terms and there would be no harm to biodiversity interests. The absence of harm in these respects are also neutral factors in my decision.
17. Eynsford Parish Council did not object to the development but this and the absence of greater local resident objection does not diminish intrinsic harm to the Green Belt. I have considered the Council's suggested conditions and the appellant's comments on these but the conditions (or any others) would not overcome the harm that I have identified above.

Green Belt Balance

18. The development is inappropriate development which is by definition harmful to the Green Belt. The limited harm to the openness of the Green Belt in this case is at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. There is no other harm in this case.
19. The other considerations outlined above are therefore individually and cumulatively of insufficient weight to clearly outweigh the harm to the Green Belt. Consequently, very special circumstances to justify the development do not exist. As such, it also conflicts with Framework paragraph 148.

Planning Balance and Conclusion

20. By virtue of the 5-year housing land supply position, Framework paragraph 11(d) is engaged. However, in this appeal the application of policies in the Framework that protect areas of particular importance (the Green Belt) provide a clear reason for refusing the development. Accordingly, by virtue of paragraph 11(d)(i) the presumption in favour of sustainable development does not apply in this case and the benefits do not outweigh the harm.
21. The proposal does not accord with the development plan taken as whole and it conflicts with the Framework. There are no other material considerations to outweigh these findings. Consequently, for the reasons given above the proposal is unacceptable and therefore the appeal does not succeed.

Robin Buchanan

INSPECTOR