



Appeal Decision

Site visit made on 9 May 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/T2215/W/22/3306040

Bean Cottage Shellbank Lane, Bean, Kent DA2 8AX

- 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 S Haider against the decision of Dartford Borough Council.
 - The application Ref DA/22/00262/FUL, dated 4 March 2022, was refused by notice dated 23 June 2022.
 - The development proposed is demolition of existing detached dwelling and outbuildings and erection of replacement dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Whether inappropriate development

3. The appeal site comprises a detached dwelling and outbuildings within the Green Belt. At paragraph 149, the Framework regards the construction of new buildings within the Green Belt as inappropriate.
4. However, the Framework provides certain exceptions that are not inappropriate, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. DP22 of the Dartford Development Policies Plan 2017 limits increases in the size of replacement buildings in the Green Belt to no more than an additional 30% volume of the original building as initially built¹.

¹ Or as it existed on 1 July 1948.

5. The volume of the proposed dwelling (1,835.64m³) would significantly exceed the volume of the existing dwelling (458.4m³) and would breach Policy DP22's 30% volumetric increase limit.
6. From my site visit I noted other buildings and structures on site, including a detached garage with a lean-to, a large timber shed, an oil tank, and a coal bunker. The evidence before me does not suggest those buildings and structures form part of the original building. However, even if I were to have regard to their built volume, the proposed dwelling would still significantly exceed the 30% volumetric threshold. The unimplemented consented extensions and curtilage building do not form part of the original building and therefore do not contribute to its total volume.
7. In addition, the footprint of the proposed dwelling would be considerably greater than that of the existing dwelling. The proposed dwelling would comprise two storeys above ground level and a basement storey below ground, and therefore would be greater in scale and height than the existing single-storey dwelling.
8. The proposal would therefore be materially larger than the building it replaces and on this basis would not comply with the criteria for replacement buildings in the Green Belt as set out at Policy DP22 and would not fall within the exceptions stated at Paragraph 149 of the Framework. The proposal would therefore be inappropriate development in the Green Belt and would conflict with Policy CS13 of the Dartford Core Strategy 2011 and Policy DP22 which resists inappropriate development in accordance with national planning policy.
9. At the time of my decision, the Pre-Submission (Publication) Dartford Local Plan is being examined. Draft Policy M13 proposes criteria for replacement buildings in the Green Belt which are aligned with Policy DP22. The emerging Local Plan does not therefore indicate a different conclusion should be reached.

Effects on openness

10. The existing dwelling is set within an area of sloping grassland interspersed by occasional trees with woodland to the rear of the site. The prevailing character of the area surrounding the existing dwelling is therefore natural and open. Paragraph 137 of the Framework describes the essential characteristics of Green Belt being its openness and permanence and states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
11. The design of the appeal proposal has sought to reduce the perceived height of the proposed dwelling by including basement accommodation and by altering ground levels. However, the proposed dwelling would have a large form, with features such as the parapet roof, balconies, and terraces contributing considerable bulk to its appearance. The height and massing of the proposed dwelling would therefore be visually dominant within the landscape.
12. The proposed dwelling would be set back onto an elevated, more prominent, position within the site, and a driveway, parking area and a large water feature/fountain would occupy the land on which the existing dwelling is sited. The design, siting and scale of the proposal would therefore result in development encroaching into areas of the site which are presently undeveloped.

13. To reduce its visual impacts, the appellant has suggested the imposition of a scheme of landscaping. However, such a condition would not wholly mitigate the generally urbanising effect such features would have on the character of the site. For these reasons, the spatial and visual impacts of the proposed dwelling would result in a significant loss of Green Belt openness.

Other considerations

14. Having utilised permitted development rights, the site benefits from consents for upward, side, and rear extensions and the construction of an outbuilding. This permitted development scheme represents a fallback position against which to assess the appeal proposal.
15. The cumulative floorspace of the permitted development scheme be considerably greater in area than the proposed dwelling and would marginally exceed its volume. The spatial impacts of the permitted development scheme would therefore be the loss of Green Belt openness, in excess of that of the appeal proposal.
16. Through the addition of built development, the permitted development scheme would inevitably have an adverse visual impact on Green Belt openness. As illustrated on the CAD perspective views, the permitted development scheme's upward extension would increase the height of the existing dwelling to two storeys. However, the side and rear extensions and outbuilding would be of single-storey height. In addition, the outbuilding would be detached from the main dwelling, thereby dividing the large built form into separate, smaller forms. Due to its height and massing, the visual impacts of the permitted development scheme would be less harmful than those of the appeal proposal.
17. The appellant suggests the proposed dwelling would provide a more compact form of development with less site coverage than the permitted development scheme. However, the proposed dwelling would intensify the use of the site through increased capacity of the dwelling. In addition, the permitted development scheme would not necessitate the changes to landform and construction of retaining walls, areas of hardstanding and other built features which would have an urbanising effect across the site.

Conclusion

18. As set out above, the proposed dwelling would be inappropriate development in the Green Belt. The proposal's harm arises from its inappropriateness and resultant loss of openness. Paragraph 148 of the Framework instructs that substantial weight be given to any harm to the Green Belt.
19. Paragraph 147 states that inappropriate development should not be approved except in very special circumstances. The very special circumstances necessary to allow the development 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.
20. Whilst the permitted development scheme would be greater in floorspace and volume, its visual impacts on Green Belt openness would be less harmful than the appeal proposal. I therefore attach limited weight to this fallback position.
21. The fallback position would not therefore amount to the very special circumstances necessary to outweigh the substantial harm to the openness of

the Green Belt which would result from the appeal proposal by reason of inappropriateness. In this circumstance, the Framework indicates the appeal proposal should be refused.

22. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR