



Appeal Decision

Site visit made on 22 February 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/G2245/W/22/3298252

Land at 101 Scratchers Lane, Fawkhams, Kent DA3 8PH

- 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 M Stanley against the decision of Sevenoaks District Council.
 - The application Ref 22/00537, dated 25 February 2022, was refused by notice dated 27 April 2022.
 - The development proposed is 2 bed detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policies LO1 and LO8 of the Sevenoaks Core Strategy (2011) support this approach. They seek to maintain the extent of the Green Belt by, amongst other things, only allowing development to take place outside the built confines of existing settlements where it would be compatible with policies for protecting the Green Belt.
4. Paragraph 149 of the Framework sets out that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is not inappropriate in the Green Belt provided it would have no greater impact on the openness of the Green Belt than the existing development.
5. The appeal site currently comprises garden that serves the occupants of 101 Scratchers Lane. It has buildings either side of it and therefore the proposal would comprise infilling. It would also fall within the definition of previously developed land set out in Annex 2 of the Framework. Given this, the proposal would not be inappropriate in the Green Belt, provided it would have no greater impact on the openness of the Green Belt than the existing development. There

has been a previous appeal decision¹ at the site for a similar type of development, whereby the Inspector concluded that the scheme represented limited infilling of previously developed land. This supports my view.

6. The existing garden space is open and mostly laid to lawn. The proposed building, although only single storey, would unavoidably take up space where there is currently no built form and would therefore have a significantly greater impact on the openness of the Green Belt in spatial terms than the mostly undeveloped garden. Visually, the introduction of built form into the existing open garden space would also have a greater impact on openness, albeit, as the site is partially screened by trees, this would be localised.
7. Accordingly, for the reasons above, the proposal would have a greater impact on the openness of the Green Belt than the existing garden. It would therefore constitute inappropriate development in the Green Belt, which, by definition, is harmful to the Green Belt.

Other Considerations

8. In terms of benefits, the proposal would make use of previously developed land and would contribute to the District's housing supply. I note that the Council does not currently have a five-year supply of deliverable housing sites. However, while the provision of one dwelling weighs in favour of the proposal, its contribution would only be modest and therefore the benefit limited.
9. A Certificate of Lawful Proposed Use/Development has been granted that confirms that the erection of a detached garage and games room on the site used incidentally to the enjoyment of 101 Scratchers Lane would conform with Part 1, Class E of the Town and Country Planning Act General Permitted Development Order 1995.
10. It would appear from the submitted plans that the proposed bungalow would be a similar size to the permitted outbuilding. However, the proposed bungalow would be positioned closer to the front of the site than the permitted outbuilding, in line with the front elevations of Nos 101 and 102 Scratchers Lane. Given this, the resulting gap between the proposed bungalow and No 101 Scratchers Lane would be significantly less than the resulting gap between the permitted outbuilding and No 101 Scratchers Lane. Thus, the proposed bungalow would visually diminish the openness of the Green Belt more than the outbuilding would in its permitted position set further back within the site.
11. In comparison to the outbuilding, the proposed bungalow would comprise primary living accommodation independent from 101 Scratchers Lane, which would intensify the residential use of the site. To facilitate this, the side garden from 101 Scratchers Lane would be split to create a separate plot, which would likely require some form of demarcation resulting in additional boundaries. It would also likely result in additional residential paraphernalia, and parked vehicles. This would further harm the openness of the Green Belt above and beyond the impact of the building itself and more than the permitted outbuilding.
12. For the reasons above, the proposed bungalow would have a greater impact on the openness of the Green Belt than the permitted outbuilding. Therefore, it affords very little weight in my determination of the appeal.

¹ Appeal Reference: APP/G2245/W/21/3275218

Green Belt Balance

13. I have found the proposal would, by virtue of having a greater impact on the openness of the Green Belt than the existing garden, be an inappropriate form of development within the Green Belt. The Framework indicates that harm by reason of inappropriateness should be given substantial weight and that inappropriate development should not be approved except in very special circumstances.
14. The limited weight I give to the fall-back position of the detached garage/games room and the contribution that the dwelling would make to housing supply do not clearly outweigh the harm by reason of inappropriateness and the harm to the openness of the Green Belt that I have identified. Thus, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. The proposal would therefore be contrary to Local Plan Policies LO1 and LO8, and the aims of the Framework with regards to the Green Belt.

Planning Balance and Conclusion

15. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. I have found that the proposal would be an inappropriate form of development within the Green Belt. Consequently, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed. The proposal therefore would not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
16. Accordingly, for the reasons above, and having had regard to the development plan as a whole and other material considerations, I conclude the appeal should be dismissed.

Hannah Guest

INSPECTOR