



Appeal Decision

Site visit made on 20 March 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/G2245/W/22/3304566

Land north of Pilgrims Oasts, Station Road, Otford TN14 5QX

- 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 R Gulliver against the decision of Sevenoaks District Council.
 - The application Ref 21/03851/FUL, dated 23 November 2021, was refused by notice dated 22 July 2022.
 - The development proposed is the erection of a pair of 3 bedroom semi-detached dwellings, parking and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the address on the planning application form refers to the location of the appeal site as the Bank Building, the appeal proposal does not involve development of the Bank Building. The Council has used the site address of land north of Pilgrims Oasts for the purposes of consultation and notification, and the appellant has used the same address on the appeal form. I have therefore used the same address for the banner heading above and I am satisfied that doing so will not prejudice any party.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the appeal site being part of a designated open space.

Reasons

4. The appeal site is a parcel of land within Otford village that along with the adjacent Chalk Pits recreation ground is designated by Policy GI2 of the Sevenoaks District Council Local Plan – Allocations and Development Management Plan (Adopted 2015) (ADMP), as open space.
5. The appeal site fronts Station Road on the section that rises uphill between the railway station and the junction with Pilgrims Way East. The frontage of the appeal site to the road is defined by a post and rail fence, behind which is a tall evergreen hedge that extends along most of the site frontage. The site is generally open and surfaced with stone. It is bordered to the south and east by dense woodland trees and planting that extends into the Chalk Pits recreation ground. Adjacent to the site stands the relatively recently constructed residential building known as the Bank Building.

6. Due to the pronounced curvature of the road and its position on the outside edge of the bend in the road, the appeal site is highly visible within the street scene. The width of the site frontage to the road and its generally open and undeveloped state provides not only a sense of spaciousness to the street scene, but also relatively uninterrupted views of the expansive group of dense woodland trees that extend into the Chalk Pits open space. This is especially the case when travelling towards the junction with Pilgrims Way East from the Station, where the dense green woodland is viewed looking more or less straight ahead and across the appeal site.
7. In these views the dense greenery of the woodland trees and planting forms an extensive and pleasantly natural landscaped feature within the street scene. The large residential buildings on the opposite side of the road, which are spaced well apart from one another in a low density pattern, are also set within well landscaped grounds, which include mature trees along their frontages and side boundaries. The spaciousness of the appeal site and the views of the woodland that it provides, makes a significant positive contribution to the pleasantly green and verdant character and appearance of the area.
8. The appeal proposal would result in part of the designated open space being built on. The proposed building would be set relatively close to the road and would be highly visible in the street scene, particularly in views travelling along Station Road towards Pilgrims Way East from the Railway Station. In these views, the relatively wide west facing elevation of the building would, due to the curvature of the road, be clearly visible between the existing buildings on opposite sides of the road, and against the back drop of the dense woodland trees in the Chalk Pits.
9. In this position the scale and massing of the proposed building would erode the openness of the site and significantly increase the amount of built form visible in the street scene. Although trees would be visible above and to the sides of the proposed building, it would nonetheless reduce the visible extent of the greenery of the woodland trees around the edge of the Chalk Pits in the street scene.
10. Consequently, the proposed building would harmfully erode the appeal site's positive contribution to the verdant character and appearance of the area, and it would have a visually intrusive presence in the street scene. The proposed hedgerow along the frontage of the site would have only a limited softening effect on the proposed development.
11. I acknowledge that the recently built Bank Building is considered by the appellant to have changed the context and surroundings of the appeal site. A substantial gap would remain between it and the proposed building. I note that the Bank Building post dates the appeal decisions referenced by the Council. However, my assessment of the appeal proposal on the character and appearance of the area includes the presence of the Bank Building, and I have found harm. As such, the presence of the Bank Building does not make the proposed development acceptable or weigh in its favour.
12. I appreciate that when travelling along the road from Pilgrims Way East towards the Station, the trees fronting the Chalk Pits would provide some screening of the proposed building. Nonetheless, the building would have a visible presence relatively close to the site frontage where its built form would appreciably erode the spaciousness of the appeal site.

13. The form and traditional design of the proposed building would reflect the styles of buildings in the locality. Appropriate materials and landscaping details could be secured by condition and permitted development rights could be removed to control future enlargements and alterations to the proposed building. However, these factors do not outweigh the proposed building's harmful effect on the character and appearance of the area.
14. I acknowledge the background of the appeal site outlined by the appellant, including an application for a sheltered housing scheme and the previous occupation of the site by a pair of cottages. However, the sheltered housing scheme pre-dates the current development plan and the cottages were demolished several decades ago. I therefore attribute little weight to these considerations, and they do not alter my view on the appeal proposal.
15. Although the appeal site is not publicly accessible open space and represents only a small part of the designated open space, it nevertheless contributes positively to the character and appearance of the locality for the reasons given above. Regardless of whether the appeal site is surplus to open space requirements under the first criterion (first bullet point) of Policy GI2 of the ADMP, either due to its surface area, absence of public accessibility and linkages with the wider Chalk Pits recreation area, or due to a surplus of open space elsewhere in the area, the proposal would nonetheless cause harm to the character and appearance of the area, in conflict with Policy GI2 in this respect.
16. The Council's reason for refusal cites a conflict with Policy SP10 of the Sevenoaks Local Development Framework Core Strategy Development Plan Document (Adopted 2011) (CS), in respect of the value placed on the appeal land by the community, with reference to the Otford Village Design Statement (2015) (VDS), and Design Principle 1e therein, which supports retaining all woodland. However, I have no substantive evidence that the appeal site, as open space, is valued for public recreation within the terms set out in Policy SP10 and trees would be retained. As such, I find no conflict with this policy or the VDS.
17. For the reasons given above, I conclude that the appeal proposal would significantly harm the character and appearance of the area. As a result, the proposal would conflict with Policies EN1 and GI2 of the ADMP, and Policies SP1 and LO7 of the CS, which require development proposals, including those which result in a loss of open space, to cause no significant adverse impact on the character of the local environment, and to respect the character and appearance of the area and respond to local distinctiveness.

Other Matters

18. Previous appeal decisions on the site are of limited relevance to my considerations in this appeal as they were for different forms of development.
19. Compliance with the planning conditions recommended by the Council would not make the development acceptable and does not alter my conclusions on the main issue.
20. In the context of the development plan, I have found that the proposal would conflict with Policies LO7 and SP1 of the CS, and Policies EN1 and GI2 of the ADMP. Although the CS pre-dates the first version of the National Planning Policy Framework (2021), (the Framework), and the ADMP pre-dates the

current version, the weight to be attached to these policies does not hinge on their age. Rather paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.

21. I have found these policies to be broadly consistent with the Framework's objectives of ensuring that development adds to the overall quality of an area and is sympathetic to the existing built environment and landscape setting (Paragraph 130). Therefore, I give the appeal proposal's conflict with these policies significant weight.
22. The socio-economic benefits of the appeal proposal are that it would make efficient use of land for housing in a location where development plan policy supports new housing and where residents would have access to services, including the nearby railway station. The provision of housing would generate short term employment opportunities during construction and longer term benefits through residents supporting the economy and local services. I note there is some local support for the proposal, particularly in delivering smaller sized family housing. The proposal represents an opportunity to enhance biodiversity through the measures set out in the supporting information. Electric vehicle charging points and cycle storage would be provided to promote sustainable travel. However, the benefits attributed to two dwellings would be small and they attract limited weight in its favour.
23. The Council is satisfied that the proposal would not harm the Kent Downs Area of Outstanding Natural Beauty, and I have no reason to find differently. The Council is also satisfied that the appeal proposal would provide acceptable living conditions for future occupiers of the proposed houses and for the occupiers of nearby properties during construction and occupation. It is also satisfied that the proposal would sufficiently safeguard the health and well being of existing trees; would provide adequate parking provision and a safe means of access to the highway; would provide adequate bin storage; would secure the satisfactory remediation of any contamination of the land and the recording of any underlying archaeology. Nonetheless, these factors would be requirements of any well designed development and they do not weigh in favour or against the proposal.
24. For these reasons, I find that the proposal would not accord with the development plan when considered as a whole.
25. The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the current supply stated as equating to 2.9 years including a 20% buffer. The Housing Delivery Test result for 2021 shows a significant under delivery of housing in its area. In those circumstances paragraph 11.d)ii. of the Framework applies and permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
26. I have taken account of the Framework's objective of boosting housing supply, including through delivering housing on small and medium sized sites within existing settlements. The proposed development would make efficient use of land for housing on a site which previously had buildings on it, in a location close to services, and it would make a contribution to the supply and mix of house sizes in the area. However, I have found that the economic and social benefits attributed to the construction and occupation of 2 dwellings would be

small and would make little difference to the supply of housing, even taking account of the Council's housing land supply position. Environmental benefits from enhancing biodiversity, and providing electric vehicle charging points and cycle parking would be limited and these would be requirements of any well designed development.

27. However, I find there would be conflict with the Framework in so far as the proposal's harm would conflict with the objectives of ensuring that development adds to the overall quality of an area, and is sympathetic to the existing built environment and landscape setting.
28. Consequently, the appeal proposal's adverse impact on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the proposed development does not benefit from the Framework's presumption in favour of sustainable development.
29. Concerns over the Council's determination of the application at the committee meeting have not influenced my decision, which is based on the planning merits of the proposal.

Conclusion

30. For the reasons given above, I conclude that the proposed development conflicts with the development plan as a whole. There are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding.
31. Therefore, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR