



Appeal Decision

Site visit made on 23 May 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/G2245/W/22/3305814

Goodbury House, Goodbury Road, Knatts Valley, Kent TN15 6XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs S Dawes against the decision of Sevenoaks District Council.
 - The application Ref 22/01056/HOUSE, dated 12 April 2022, was approved on 1 July 2022 and planning permission was granted subject to conditions.
 - The development permitted is demolition of the existing two storey detached garage and erection of a two-storey rear extension, alterations to fenestration, relocation of side entrance.
 - The conditions in dispute are Nos 4 and 6. Condition 4 states that: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, D, or E of that Order." Condition 6 states that: "*On first occupation of the dwelling as extended there shall be no other extensions or outbuildings on site other than those identified on the Site Plan no.: 2150 - 03*".
 - The reasons given for the conditions are: "*In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the National Planning Policy Framework and policy GB1 of the Allocations and Development Management Plan*".
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Decision

1. The appeal is allowed and the planning permission Ref 22/01056/HOUSE for demolition of the existing two storey detached garage and erection of a two-storey rear extension, alterations to fenestration, relocation of side entrance at Goodbury House, Goodbury Road, Knatts Valley, Kent TN15 6XG granted on 1 July 2022 by Sevenoaks District Council, is varied by deleting conditions 4 and 6.

Main Issue

2. The main issue in this appeal is the effect of removing the disputed conditions on the openness of the Green Belt.

Reasons

3. The Council determined that, since the appeal property has previously been extended by more than 50% of its original footprint, the development would be inappropriate development in the Green Belt. However, the Council concluded that harm by reason of inappropriateness would be outweighed by very special circumstances. Namely, that the scheme would be beneficial to Green Belt

- openness through removal of the garage building, resulting in a more compact built footprint and a reduction in bulk and mass.
4. Demolition of the garage building is secured by condition no 5. Therefore, conditions 4 and 6 are not necessary to achieve the very special circumstances which justified the Council's approval of the development.
 5. The Council considers condition 4 reasonable and necessary to avoid harm to the openness of the Green Belt from any further permitted development and condition 6 necessary to ensure that no other outbuildings are erected prior to the scheme being implemented, noting a recent approval of a lawful development certificate for an outbuilding.
 6. Nonetheless, paragraph 54 of the National Planning Policy Framework (the Framework) indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance states that conditions restricting the future use of permitted development rights may not pass the tests of reasonableness and necessity. Paragraph 56 of the Framework requires that planning conditions be imposed only where they are necessary, relevant, enforceable, precise, and reasonable.
 7. The Town and Country Planning (General Permitted Development) (England) Order 2015 does not restrict permitted development rights for dwellings in the Green Belt differently from dwellings outside the Green Belt. In addition, the Framework's policies for managing Green Belt do not cater for the effects on openness of proposals that would be permitted development. Therefore, there is no clear justification for the removal of permitted development rights in this case. On this basis, conditions 4 and 6 are not necessary and thus do not satisfy the Framework's tests. Removal of the disputed conditions would not therefore have a harmful effect on the openness of the Green Belt.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed and I vary the planning permission by deleting the disputed conditions.

E Dade

INSPECTOR