



Appeal Decision

Site visit made on 11 July 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/G2245/W/22/3313642

The Tally Ho, Main Road, Knockholt TN14 7NT

- 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 Tom Barnshaw against the decision of Sevenoaks District Council.
 - The application Ref 22/02123/FUL, dated 28 July 2022, was refused by notice dated 12 October 2022.
 - The development proposed is the infill of previous public house car park to accommodate no2 x residential homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice includes the lack of an appropriate affordable housing contribution as a reason for refusal. However, the Council's statement advises that a contribution of that nature is no longer deemed to be necessary. As such, I have not considered this matter as a main issue when making my decision as it not in dispute.

Main Issues

3. The main issues are: (i) 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, including the effect upon the openness of the Green Belt; and (ii) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site is located within designated Green Belt. The Council's reasons for refusal do not refer to any development plan policies on Green Belt. However, paragraph 149 of the Framework sets out that new buildings within the Green Belt are inappropriate unless they fall within a list of exceptions. These include limited infilling in a village (paragraph 149(e)), or limited infilling or the partial or complete redevelopment of previously developed land (PDL) that does not have a greater impact on the openness of Green Belt than existing development (paragraph 149(g)).

5. Paragraph 3.3 of the Council's adopted Development in the Green Belt Supplementary Planning Document, 2015 (SPD), defines infill development as the completion of an otherwise substantially built-up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only. Furthermore, paragraph 3.4 sets out that a substantially built-up frontage is an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene. While not part of the development plan, the SPD is a material consideration, and in the absence of any alternative, it is appropriate to assess the proposal against the definitions set out within it.
6. The appeal site is located on Main Road. Although there are dwellings along that part of the road, they are generally spaced fairly sporadically and have a loose knit form with open gaps between them. As a result, the immediate area does not have a continuous and largely uninterrupted built frontage. In addition, there is no development immediately to the west of the appeal site, and there is also a reasonable distance between the site and a row of houses on Burlings Lane. The site therefore does not form a narrow gap. The appellant has set out that a lawful development certificate (LDC) was issued in 2021 for the erection of an outbuilding on part of the site. However, even if that were to take place, the urban form of the immediate area would still not be a substantially built-up frontage. The proposal therefore would not accord with the definition of infill development as set out within the SPD.
7. The appeal site is located outside of the settlement boundary of Knockholt. It is also situated some way from the main built-up area of the village. When travelling west along Main Road, away from Knockholt and towards the appeal site, there is a very clear change in character and appearance, from a relatively tight knit pattern of development, to a looser pattern with open gaps between most dwellings. This change in character provides a perception of moving away from the village and into the surrounding countryside. For this reason, it is my view that the appeal site is not visibly or physically part of the village.
8. The appellant has brought two previous appeal decisions to my attention. While I do not have the full details of those cases before me, the context of those sites appears to be quite different to this appeal given that they seem to be much more closely related to the main built-up areas of the respective villages. As this proposal would not be infill, nor within a village, I find that it would not accord with the exception set out at paragraph 149(e) of the Framework.
9. The Council agrees with the appellant that the site should be considered as PDL. Given that it forms part of the curtilage of a residential property, I am in agreement with this position. The proposed development would also clearly represent a partial or complete redevelopment of the site. The initial requirement of paragraph 149(g) of the Framework is therefore met.
10. However, at present, the appeal site is vacant of buildings having previously been in use as a pub car park. The development of two dwellings would add significant built form where there is currently none. This would inevitably lead to a loss of openness in spatial terms. In addition, given that the site is next to a road and is easily visible, the proposed development would also have a clear visual impact on openness. While only two dwellings, the significant increase in built form leads me to conclude that the harm to openness would be moderate in nature.

11. Consequently, I find that the proposal would not accord with the exception at paragraph 149(g) of the Framework. No case is made that the proposal would fall within any of the other exceptions and so I conclude it would be inappropriate development in the Green Belt.

Other Considerations

12. The proposed development would provide two new dwellings to the housing stock. This is a benefit, particularly as the Council is unable to demonstrate a 5-year supply of deliverable housing land, as required under the terms of the Framework. The proposal would also have associated economic benefits and would make efficient use of land that is fairly close to various services and facilities. In addition, as part of the development, there may be opportunities to enhance on-site biodiversity. However, given the small scale of the proposal, I only give these benefits moderate weight.
13. The appellant has set out that various buildings could be built on the site through the use of permitted development rights, including the outbuilding that has an LDC. Even if I were to accept that such buildings would be erected in the event of the appeal being dismissed, the proposed development would involve the construction of a pair of reasonably substantial five bedroom houses with tall pitched roofs. I am unconvinced from the evidence that a similar level of built form could be provided through permitted development, and in any event, there are no firm proposals before me beyond the small, permitted outbuilding. As such, I give this issue very limited weight.

Green Belt and planning balance

14. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt, and very special circumstances will not exist unless the harm is clearly outweighed by other considerations.
15. When considered in combination, the weight that I have afforded to the benefits of the proposal and other considerations do not clearly outweigh the substantial weight that I must apply to the identified harm to Green Belt. As such, very special circumstances do not exist, and for this reason, the proposal would be in conflict with paragraphs 147 to 150 of the Framework.
16. As the Council is unable to demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the Framework is engaged. However, the identified conflict with Green Belt policy means that there are clear reasons for refusing permission, having regard to the Framework policies that protect areas of importance. Therefore, the tilted balance as set out under paragraph 11(d) does not apply in this case. The overriding factor is the identified detriment to the Green Belt and other considerations are of insufficient weight to justify granting planning permission contrary to this harm.

Conclusion

17. For the reasons given above, the appeal is dismissed.

C Butcher

INSPECTOR