



Appeal Decision

Site visit made on 8 August 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/G2245/W/22/3303072

Land adjacent to Shoreham House, Shoreham House, Church Street, Shoreham TN14 7RY

- 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 Kai Midgley against the decision of Sevenoaks District Council.
 - The application Ref 21/03861/FULL, dated 24 November 2021, was refused by notice dated 29 April 2022.
 - The development proposed is the erection of one three-bedroom two-storey house with a basement and double garage and the demolition and replacement of ten single-storey garages with two garage blocks and four surface-level car parking for 11 cars.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one three-bedroom two storey house with a basement and double garage and the demolition and replacement of ten single-storey garages with two garage blocks and four surface-level car parking for 11 cars at Land adjacent to Shoreham House, Church Street, Shoreham, TN14 7RY in accordance with the terms of the application, Ref 21/03861/FULL, dated 24 November 2021, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - whether the proposed 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;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Shoreham Conservation Area (the SCA) and the natural beauty of the Kent Downs Area of Outstanding Natural Beauty (the AONB); and
 - if the proposed development is inappropriate, whether the 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 Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to several exceptions as set out in paragraph 149. Of particular relevance to the appeal are the following exceptions:
 - limited infilling in villages;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and
 - limited infilling or partial or complete redevelopment of previously developed land, where redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development.
4. The Framework does not define the term, as a whole or in parts, of limited infilling in a village, including with respect to the relationship of a site to a defined settlement boundary. Whilst there is no dispute between the main parties that Shoreham is a village, disagreement as to whether the appeal site is located within it and if the proposed development would be limited infilling exists.
5. No specific development plan policies have been highlighted on the decision notice. However, my attention has been drawn to the Council's Supplementary Planning Document: Development in the Green Belt (the SPD). This identifies that where a Green Belt boundary has been defined, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to a more loose-knit development. In addition, the SPD states that where the change of character is not apparent between the defined settlement and development within the adjoining Green Belt, there may be circumstances where infill development is appropriate, provided the purposes of the Green Belt would not be compromised.
6. The appeal site consists of part of the grounds of the property known as Shoreham House and includes a row of existing garages, parking area, garden space and a wooded area. Comprising large buildings set within generous plots, the properties of Shoreham House, The Lodge adjacent and, located on the other side of Station Road, The Old Vicarage provide residential development to three sides of the appeal site. Substantial mature trees are located on both sides of the road in the immediate surroundings of the site, providing some screening of the buildings from the road, behind brick wall frontage boundaries to The Lodge and The Old Vicarage. As a result, when travelling along Station Road from its junction with Shoreham Road, there is a defined change in character from the hedgerow-lined highway to the features of built form which abut the road. Whilst a snapshot in time, this change was further emphasised due to the numerous vehicles I observed during my site visit parked on the

road close to the entrance to Darenth Golf Club and outside the Old George Inn.

7. Beyond the appeal site, Station Road bends at the Old George Inn and becomes Church Street where more compact building forms, including smaller terraced cottages, line the street. Whilst there is a clear change in character in this location, as highlighted by the Council, this does not diminish the transition from countryside to village edge experienced as identified above. Therefore, having regard to the situation on the ground, it is my planning judgement that, for the purpose of the Framework, the appeal site is located within the village.
8. In terms of limited infill development, the SPD also stipulates that this is 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. The SPD further defines a substantially built-up frontage as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene. However, as identified by another Inspector on an appeal¹ within the District, the definition of limited infilling is not replicated in the development plan or the Framework, thereby allowing the decision to be reached through a planning judgement regarding a specific proposal and its context on a case-by-case basis. As such, irrespective of the Council's view that the appeal site has a wide frontage and is not located within a gap of otherwise substantially built-up frontage, I accord the SPD only limited weight in my determination of the appeal.
9. Consequently, I conclude that as it comprises a single new dwelling, the proposed development would be limited. Additionally, as the appeal site is located between existing residential buildings, the proposed development would fill in a space within an area of existing built form, albeit loose knit.
10. Overall, based on the situation on the ground, it is my planning judgement that the appeal site forms part of the village, irrespective of its relationship to the settlement boundary of Shoreham, and the proposed development amounts to limited infilling. I conclude that the proposed development would not be inappropriate development in the Green Belt, as it meets the exception set out at paragraph 149e) of the Framework.
11. As a result, an assessment of whether the proposed development would meet any of the other exceptions to new buildings in the Green Belt as identified as relevant to the appeal above is not required. Furthermore, I do not need to assess the impact of the proposed development on the openness of the Green Belt as it has already implicitly been taken into account in the limited infilling in a village exception.

Character and appearance

12. As the appeal site is located within the SCA I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The significance of the SCA is derived from its plentiful historic buildings of varying vernacular and architectural interest, sited within the valley of the River Darwent. The SCA has a harmonious character which emanates from the continued use of traditional

¹ Appeal ref: APP/G2245/W/21/3271885

local materials and architectural styles. Originally a mill village, Shoreham has a rural character, strongly influenced by its landscape setting.

13. The appeal site is also located within the AONB. In considering the proposed development I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the natural beauty of the area. Further, the AONB has the highest status of protection concerning these issues, reflecting its statutory purpose.
14. The gently undulating valley of the Darwent forms part of the natural beauty of the AONB in combination with the historic features of the area's mill villages, including Shoreham, along the river. Throughout the village, visual connections to its rural landscape setting are possible via the varying gaps between the built form, the substantial mature trees within garden areas and the lanes enclosed by mature hedgerows that lead into the settlement. This character is evident in the appeal site and its wider setting as part of the grounds of Shoreham House, with substantial mature trees located on the boundaries of the site to the road and The Lodge. Further away from the road, as the site gradually falls towards the river, a more densely area of established trees is located.
15. Although influenced by its landscape setting, given the presence of the garages and its use for parking, the appeal site has a domestic character. Sited at an almost perpendicular angle to the appeal site's road frontage, the garages are visible from the highway through the existing access to Shoreham House and just above the close board boundary fence. Despite being low in height, the long row of garages creates a wall of built form which stretches into the site. Their utilitarian form, pale blue doors and flat roof combined with neither end of the row being visible from Station Road, provide an urbanising effect to the character of the area. This is further emphasised by the existing haphazard arrangement of car parking on the unsurfaced area in front of the garages. Both main parties agree that the garages are of low architectural value and in poor condition. As such, the existing garages and untidy nature of the site detracts from the SCA and AONB, and the Council does not object to their demolition.
16. Within the currently overgrown area of the site beyond the existing garages, a new dwelling plus a separate double garage is proposed. Although described by the Council as large, the new dwelling would be two storeys tall, with eaves and ridgeline heights lower than that of Shoreham House. While the Council refer to the design of the new dwelling as bulky and squat it would reflect the design and architectural style of Shoreham House. Despite the double garage being set forward of the proposed dwelling, the proposed development as a whole would be subservient to the existing property. Following improvements made to a previously refused scheme², this view is held by the Council's Conservation Officer.
17. The proposed development would remove the existing garages, replacing them with two smaller blocks of garages sited towards the central part of the site. Whilst I acknowledge that the proposed development would alter the view from Station Road, visibility of the new garages would be limited by the existing landscape features on the site. Furthermore, the appeal scheme would retain the site's substantial verdant setting with further opportunities for providing

² Council planning application ref: 21/01404/FUL

additional landscaping secured by the imposition of an appropriate condition attached to the grant of planning permission.

18. As such, the proposed development would not adversely change the character of the site, would maintain the loose and open grain of the existing built form in the surrounding area and preserve the landscape setting of the AONB. Additionally, the removal of unsightly built form would make a positive contribution to the SCA, as supported by paragraph 206 of the Framework.
19. I conclude that the proposed development would not cause harm to the character and appearance of the area, including the SCA, or the natural beauty of the AONB. It would accord with Policy SP1 of the Sevenoaks Core Strategy (the Core Strategy) which requires development to be designed to a high quality and respond to the distinctive local character of the area. It would also comply with policies EN1, EN4 and EN5 of the Sevenoaks Allocations and Development Management Plan (the ADMP). In combination, policies EN1 and EN4 seek to ensure development is of a high design quality whilst conserving or enhancing the character, appearance and setting of a heritage asset. In addition to reiterating the status of the AONB, Policy EN5 requires development to conserve the character of the landscape.
20. Finally, the proposed development would accord with Chapters 12 and 16 of the Framework regarding the need for new development to be sympathetic to the character and appearance of its surroundings, including the historic environment. Concerning conserving and enhancing the natural beauty of the area, it would also accord with Chapter 15 of the Framework.

Other Matters

21. My attention has been drawn to several Listed Buildings located close to the appeal site, including the Grade II listed The Old Vicarage on the other side of the road from the appeal site and the Old George Inn plus its outbuildings overlooking the sharp bend in Church Street. Whilst the proposed development would be visible from both properties, given their setback from the road and the distance between them, it would not be an obtrusive feature in the setting of the Listed Buildings. Consequently, it would conserve the setting of these heritage assets.
22. Representations have been made by several interested parties, raising concerns about the increase in traffic due to the proposed development. As the appeal scheme comprises one additional dwelling on the site, any increase in traffic as a result would be minimal. Additionally, any disturbance during the construction period would be short lived given the scale of the proposed development.
23. Interested parties have also highlighted the on-street parking situation on Church Street near the appeal site and the safety of highway users. Although I observed several vehicles parked on the highway in the village, their number or location, in combination with the low traffic movements during that snapshot in time do not lead me to conclude the proposed development would unacceptably harm the safety of those using the street.
24. Whilst the proposed dwelling would be located near the site boundary with The Lodge, the separation between the buildings and the screening provided by the existing mature landscape features would preserve the living conditions of

occupants of the adjacent property. In addition, a change of view from the windows of nearby properties is not of itself a planning matter. Any further development proposals on the site will be required to accord with the planning regime in place at the time, including policies which protect the living conditions of neighbouring occupiers.

25. Reference has been made to a restrictive covenant which would prevent the development from proceeding without the unanimous agreement of the owners of Shoreham House Ltd. Notwithstanding the absence of a copy of this document before me, this is a civil matter that falls outside the planning regime, and therefore my determination of the appeal.
26. Given my decision is based on site-specific planning judgement of the situation on the ground and I conclude that the appeal scheme would not be inappropriate development in the Green Belt, such circumstances are unlikely to be repeated elsewhere. In any event, given that I have concluded that the proposed development would be acceptable, I see no reason why my decision would lead to harmful development on other sites.

Conditions

27. I have considered the Council's suggested conditions in light of advice contained within the Framework and the National Planning Practice Guidance. I have undertaken some minor editing, rationalisation and reordering, in the interests of precision and clarity. Where appropriate, I have also removed the detailed lists of matters to be included from the conditions as they are not necessary to make the conditions precise or enforceable. This approach also enables the parties to agree on the most suitable method of compliance based on best practices at the time of discharging the conditions.
28. In addition to the standard time condition, I have imposed a condition requiring that development is carried out in accordance with the approved plans, for the avoidance of doubt and the interests of the character and appearance of the SCA and the AONB.
29. To ensure that features of archaeological interest are properly examined and recorded I have imposed a condition requiring the specification of an archaeological field evaluation, including a timetable of works, to be approved by the Council. It is necessary for this condition to be implemented prior to any development on the site commences. Similarly, to protect biodiversity I have imposed conditions requiring the precautionary mitigation measures for reptiles and the preparation of a non-native species plan to be undertaken before development commences. Such measures are supported by the Framework, and in accordance with Policy SP11 of the Core Strategy.
30. I have imposed a condition to safeguard the existing trees on and close to the site during construction and to prevent pressure to remove them, in the interests of visual amenity in accordance with EN1 of the ADMP. In accordance with paragraph 170 of the Framework, a condition relating to how any contamination found on the site during construction should be handled has been imposed. This ensures that the development does not result in unacceptable levels of water pollution from unidentified contamination sources on the site. To protect the underlying from the risk of pollution and in compliance with the Framework, I have attached a condition requiring the

written consent of the Council before any surface water drainage on the site shall infiltrate into the ground.

31. To ensure the external building works accord with policies EN1 and EN4 of the ADMP, it is necessary to impose a condition requiring the proposed external materials to be approved by the Council. This condition will also ensure the proposed development is in harmony with Shoreham House and the surrounding area. The submission and approval of these details is necessary prior to the works above damp-proof level, not before works commence on site. To safeguard the visual appearance of the area, in accordance with EN1 of the ADMP, I have imposed a condition relating to hard and soft landscape works.
32. I have imposed a condition requiring a biodiversity enhancement scheme, including the recommendations set out in the Preliminary Ecological Assessment, to be submitted to the Council. This accords with Policy SP11 of the Core Strategy and is supported by the Framework. There is no need for me to impose a separate lighting plan for biodiversity as this can be agreed upon as part of the biodiversity enhancement scheme. For the avoidance of any doubt regarding the timing of this condition, I have included a clear trigger for submission.
33. Finally, a condition has been imposed requiring the full details of vehicle and cycle parking facilities, including garages and electric charging points, to be approved by the Council. This will ensure the retention of these facilities for the occupiers of Shoreham House and the new dwelling and in support of climate change adaptations, as set out in policies EN1 and T3 of the ADMP and the Framework.

Conclusion

34. For the reasons given above, and taking into account all relevant matters raised, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - CS-992-PD-B-003 rev A – Location Plan/Proposed Site Plan
 - CS-922-PD-B-006 rev A – Proposed Road Elevation/Proposed Site Cross Section
 - CS-922-PD-B-004 rev B – Proposed Floor Plans/Proposed Elevations
 - CS-922-PD-B-005 rev A – Existing Garage Building/Proposed Garage Buildings.
- 3) No site clearance, preparatory work or development shall commence until an archaeological field evaluation specification, including a written timetable, is submitted to and approved in writing by the local planning authority. The works will be undertaken in accordance with the approved archaeological field evaluation specification and the timetable therein. Any further archaeological investigation, recording and reporting determined by the results of the evaluation will be agreed in writing by the local planning authority. The further works will be undertaken in accordance with the approved details and the timetable therein.
- 4) No site clearance, preparatory work or development shall commence until precautionary mitigation measures for reptiles are implemented in accordance with the recommendations set out within the Preliminary Ecological Assessment prepared by Ecology Partnership dated March 2021. The measures shall be maintained until the completion of the development and all equipment, machinery and surplus materials have been removed from the site.
- 5) No site clearance, preparatory work or development shall commence until a non-native species plan detailing the containment, control and removal of Schedule 9 species on the site, including a written timetable, is submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details and the timetable therein.
- 6) No site clearance, preparatory work or development, with the exception of works relating to precautionary mitigation measures for reptiles, shall commence until the tree protection strategies set out within the submitted Arboricultural Report prepared by Chartwell Tree Consultants dated 3 March 2021 is implemented in full. The protection measures shall be maintained and retained in position until the completion of the development and all equipment, machinery and surplus materials have been removed from the site.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately in writing to the local planning authority. Development on the part of the site affected shall be suspended and a remediation strategy detailing how the unsuspected contamination shall

be dealt with, including timescales, shall be submitted to and approved in writing by the local planning authority. The approved remediation strategy shall be implemented prior to development on the part of the site affected resumes.

- 8) No infiltration of surface water drainage into the ground shall commence until a demonstration that there are no resultant unacceptable risks to Controlled Waters has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 9) No development above damp-proof level shall commence until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing with the local planning authority.
- 10) No development above damp-proof level shall commence until a scheme of hard and soft landscape works is submitted to and approved in writing by the local planning authority. The scheme shall include recommendations set out within the Preliminary Ecological Assessment prepared by Ecology Partnership dated March 2021. With the exception of the planting, seeding or turfing, the approved details shall be implemented prior to the development being brought into use and thereafter retained and maintained.

All planting, seeding or turfing comprising the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, or the completion of the development, whichever is sooner. Any planting found damaged, dead or dying within a period of 5 years following planting or seeding shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed by the local planning authority.

- 11) No development above damp-proof level shall commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the local planning authority. The scheme shall comprise the recommendations set out within the Preliminary Ecological Assessment prepared by Ecology Partnership dated March 2021 and include a lighting design plan. The approved details will be implemented prior to the development being brought into use and thereafter retained and maintained.
- 12) No development above damp-proof level shall commence until the full details of the vehicle parking spaces and garages, as shown on the approved plans, as well as cycle parking facilities and electric charging points shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought, in accordance with the approved details and thereafter be maintained and retained.

End of Schedule