



Appeal Decision

Site visit made on 22 August 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/G2245/D/22/3311850

5 Hailwood Place, School Lane, West Kingsdown, Sevenoaks TN15 6FQ

- 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 and Mrs Hembrough against the decision of Sevenoaks District Council.
 - The application Ref 22/02580/HOUSE, dated 16 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is erection of a shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the decision notice and appeal form as they more accurately reflect the location of the development.
3. It was clear on my site visit that a building has been constructed on the site of the proposed shed. However, the building that has been constructed does not accord with the plans before me. I have determined the appeal on the basis of the 'proposed' development as shown on the plans, rather than what has been built.
4. The site is located within an Area of Outstanding Natural Beauty (AONB). The Council has not raised any concerns in this respect and even when giving great weight to the landscape and scenic beauty of the AONB, I see no reason to disagree.

Main Issues

5. The main issues are:
 - i) 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;
 - ii) the effect of the proposed development on the openness of the Green Belt and the purposes it serves; and,
 - iii) if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the development.
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Reasons

Inappropriate development

6. The appeal property is a large, detached dwelling that is located within the Green Belt. The property has an attached double garage, with accommodation above. There are existing outbuildings in the north-west and south-west corners of the site, plus another small shed to the rear of the garage. A further outbuilding has been constructed to the north of the existing dwelling, on the site of the proposed shed.
7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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 any harm, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. The construction of new buildings is deemed to be inappropriate development within the Green Belt. However, there are a number of exceptions to this, including paragraph 149 c) of the Framework, which relates to the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.
9. It is agreed between both main parties that the proposed shed would be sited over 5 metres away from the dwelling. Policy GB3 of the Council's Allocations and Development Management Plan (ADMP) February 2015 is clear that if an outbuilding is sited over 5 metres away from the dwelling, then it does not fall to be considered as an extension to the existing dwelling. Consequently, the proposal would not accord with paragraph 149 c) of the Framework; neither would it fall within any of the other exceptions listed in paragraphs 149 and 150. The proposal is therefore inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to harm by reason of inappropriateness.

Openness and the purposes of the Green Belt

10. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The provision of a new outbuilding would increase the volume and massing of built form on the site and would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal. The proposed outbuilding would be screened in wider views by the woodland that surrounds Hailwood Place. It would also be seen within the context of the existing dwelling and would be modest in height. However, the proposal would exceed the height of the front boundary treatment and would be visible within the street scene. Consequently, it would result in visual as well as spatial harm to the openness of the Green Belt.
11. The dwelling has been extended and encompasses an attached double garage, with accommodation above. Built form currently extends across a large proportion of the site frontage. The proposed shed would be sited to the northern side of the dwelling in an area, which was previously free from built development and provided a sense of space and openness to the side of the

property. I acknowledge that the proposal by reason of its single-storey height, size, siting and use of materials to match the existing dwelling, would appear ancillary to the main dwelling in terms of its function and design. Nonetheless, it would result in the construction of an additional building on a previously open area of land, which would result in visual intrusion. Given the modest size of the outbuilding the level of visual intrusion would not be significant; however, visual intrusion would exist and the proposal in combination with the existing built form would result in a detrimental impact on the openness of the Green Belt.

12. The proposal would spread built development further across the site, which would encroach upon a previously open part of the site. As a result, the proposal would conflict with one of the purposes of the Green Belt set out at paragraph 138 c) of the Framework, which seeks to safeguard the countryside from encroachment.
13. Even though I find that the proposal would appear ancillary to the existing dwelling in terms of its function and design, for the reasons given above, I conclude that the proposed development would harm the openness of the Green Belt and the purposes it serves. The proposal would fail to comply with Policy GB3 of the ADMP, which requires that new residential outbuildings within the Green Belt do not materially harm the openness of the Green Belt. The proposal would also fail to comply with paragraph 137 of the Framework, which seeks to prevent urban sprawl by keeping land permanently open.

Other considerations

14. The appellants argue that the proposal would not be a disproportionate addition to the existing dwelling, as it would not exceed the 50% threshold set out within Policy GB1 of the ADMP. The 50% threshold is not a requirement of Policy GB3, in which this scheme falls to be determined under. Nevertheless, I find the proposed development in isolation and also in combination with the existing extensions to the dwelling and other outbuildings would be harmful to the openness of the Green Belt.
15. I note that the Council previously considered an application for a pergola to not be inappropriate development. While a pergola is a structure, it is not a building and its open nature is materially different and not comparable in Green Belt terms to the appeal scheme.
16. The appellants have drawn my attention to extensions and outbuildings at neighbouring properties. The appeal property has one of the narrowest plots within Hailwood Place and the existing dwelling, with attached garage already spans a large proportion of the width of the plot. Other dwellings in the street typically have a greater sense of space to either side and as a result are not comparable. While planning permission has been granted for an outbuilding within the rear garden of the neighbouring property (6 Hailwood Place), this outbuilding lies to the rear of the host dwelling, rather than to the side and is less visually intrusive. I attach limited weight to the other decisions as the circumstances are different and each proposal should be considered on its own merits.

Green Belt Balance and Conclusion

17. The proposed development would be inappropriate development in the Green Belt resulting in a small loss of openness. Given that no specific benefits of the proposal have been drawn to my attention, the substantial weight to be given to the Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. Therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated.
18. The appellants argue that there is no conflict with the development plan and as a result the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework is applicable. The Green Belt is a protected area for the purposes of footnote 7 of the Framework. As set out above, the proposal would result in harm to the Green Belt. Consequently, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the proposed development in accordance with paragraph 11 d)(i). As such, the presumption in favour of sustainable development does not apply in this case.
19. For the reasons given above, I conclude that the proposal is contrary to Policy GB3 of the ADMP and Section 13 of the Framework. Accordingly, I conclude that the appeal should be dismissed.

A James

INSPECTOR