



Appeal Decision

Site visit made on 11 August 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/T2215/D/22/3313571

The Nursery, Green Street Green Road, Darenth, Kent DA2 8DP

- 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 D Keys against the decision of Dartford Borough Council.
 - The application Ref DA/22/00280/FUL, dated 8 March 2022, was refused by notice dated 24 October 2022.
 - The development proposed is an extension between the main dwelling and pool house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development in the banner heading above, which is taken from the application form, the drawings show that the appeal proposal includes a single storey side extension. This is reflected in the description of development on the decision notice. The Council has determined the application on that basis, and I shall deal with the appeal accordingly.
3. The Council's refusal reason refers to Policies M1, M11 and M13 of the emerging Dartford Local Plan to 2037¹. I have no information regarding the examination's progress and the Council has not confirmed whether there are unresolved objections to these policies. As such, I cannot be certain that they will be adopted in the form submitted in evidence and therefore I afford them limited weight in determining this appeal.

Main Issues

4. The main issues are:
 - 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.
 - The effect of the development on the openness and purposes of the Green Belt.
 - If the proposal is inappropriate development, 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.

¹ Pre-Submission (Publication) Document, dated February 2021, and submitted for examination on 13 December 2021.

Reasons

Whether inappropriate development

5. Policy CS13 of the Dartford Core Strategy (Adopted September 2011) (the CS) states that in order to protect the openness of the Green Belt, inappropriate development will be resisted. Policy DP22 of the Dartford Local Plan Document – Dartford Development Policies Plan (Adopted July 2017) (the DDPP), resists inappropriate development in the Green Belt in accordance with national planning policy.
6. Paragraph 149 of the Framework, states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to the exceptions listed. One of the exceptions, set out in Paragraph 149.c) of the Framework, is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. Policy DP22 of the DDPP sets out that extensions to buildings in the Green Belt will be permitted where, amongst other objectives, they would not result in a disproportionate addition to the original building. This policy defines a disproportionate addition as one that exceeds a 30% volumetric increase over and above the original building. The original building means a building as it existed on 1 July 1948, where it was built before that date, and as it was built when initially built after that date. I have used this definition in this decision.
8. The appeal proposal would add new built development to the existing host dwelling. No quantitative figures have been provided for the volume of the original building or that of the building in its proposed extended form. However, according to the Council, the volume of the appeal proposal would far exceed a 30% increase in volume over and above the size of the original building when added to the respective volumes of a 2 storey rear extension and 2 single storey side extensions (incorporating demolition of a single storey rear projection) carried out as a permitted development following the grant of a Lawful Development Certificate (LDC) in 2018².
9. The appellant has not disputed the Council's figures or provided substantive evidence to the contrary. Based on the evidence before me in this appeal, it follows that I have no reason to disagree with the Council's conclusion that the appeal proposal would contribute to increasing the size of original building by more than 30% in volumetric terms. I therefore find that the proposed extensions would amount to a disproportionate addition over and above the size of the original building. As such, the development is inappropriate when assessed against Paragraph 149.c) of the Framework.
10. The appellant contends that the appeal proposal, which would infill the gap between the dwelling and the detached outbuilding containing a swimming pool, should be classed as infill development rather than a new build extension. I have therefore considered the proposal under the exception listed in criterion e) of the Paragraph 149 of the Framework. The exception in criterion e) is: "limited infilling in villages".

² Ref. 18/00817/LDC

11. Even if I were to assess the appeal proposal as being 'infill' development, I note that the Council considers the appeal site to be located within the countryside. Neither of the main parties refer to the appeal site as being within a village and I have no substantive evidence that the site lies within a village.
12. I saw that the area of the appeal site consists of properties set in a broadly linear pattern and mostly to the south of Green Street Green Road, with a scattered pattern of buildings beyond. The appeal property is generally surrounded by open fields to the north, east and west, and is somewhat separated from nearby properties. I did not observe any road signs identifying this group of properties, including the appeal property, as within a named village, nor did I observe any services such as a named village hall, shop or post office, in the locality of the appeal site which might be expected to characterise a village.
13. Nothing I saw on my site visit or have read in the evidence before me would lead me to conclude that the appeal site lies within a village. As such, the proposed development would not constitute limited infilling in a village and is inappropriate when considered against Paragraph 149.e) of the Framework.
14. For these reasons, the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy CS13 of the CS and Policy DP22 of the DDPP. Paragraphs 147 and 148 of the Framework state 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 any harm to the Green Belt.

Openness and purposes

15. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness can be perceived spatially and visually.
16. In spatial terms, the proposed extensions would inevitably reduce openness on the appeal site by occupying space on it that is undeveloped.
17. In visual terms, when approaching the appeal site from either the east or west, the proposed link extension would largely be screened by the presence of the existing dwelling or the outbuilding, both of which are larger. However, in closer distance views the proposed link extension would be clearly visible, particularly from the road, where its massing would appreciably increase the visible extent of built development on the site. In this position it would erode the gap that currently separates the two buildings and contributes to openness, resulting in a modest reduction in the visual openness of the Green Belt. The single storey extension on the east facing elevation of the dwelling would result in a limited reduction in the visual openness of the Green Belt given its scale and position.
18. For these reasons, the appeal proposal as a whole would cause a modest degree of harm to the openness of the Green Belt and confined to a relatively localised extent. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I therefore give substantial weight to the proposal's harmful effect on the openness of the Green Belt.

19. One of the five purposes of the Green Belt, as set out in Paragraph 138.c) of the Framework, is to safeguard the countryside from encroachment. The proposed extensions would be attached to the appeal dwelling and well contained within its grounds. As such, there would be no discernible spatial or visual encroachment into the countryside. However, this is a neutral factor which weighs neither in favour nor against the appeal proposals.

Other considerations

20. The occupiers of the appeal property are currently exposed to the elements when moving between the dwelling and the detached outbuilding containing a swimming pool. The proposed link extension would provide a safe, covered and convenient means of access between the two buildings, which would enhance the living conditions of the occupiers. However, whilst the provision of a safe and covered access between the buildings would accord with the objective in paragraph 3.b) of DDPP Policy DP7, I have no substantive evidence that the current means of access between the two buildings is unsafe. Furthermore, the planning system is mainly concerned with the use of land in the public interest. As such, I give limited weight to the benefit of the appeal proposal to the living conditions of the occupiers of the property.
21. The appeal proposal would not affect recreation or biodiversity in the Green Belt. However, an absence of harm does not weigh in favour or against the proposed development.
22. Neither the Woodlands Trust nor nearby residents have raised any comments on the appeal proposal. However, an absence of comments does not weigh in favour or against the proposal.
23. The appellant refers to contradictory planning decisions and in particular to an allowed appeal³ for a LDC for the erection of a detached outbuilding containing swimming pool, and to additional LDCs granted by the Council for development at the appeal site. However, applications for LDCs are not planning applications and are determined solely on relevant matters of law. The planning merits and effects of a development for which a LDC is sought are not relevant. As such, the LDCs granted for development on the appeal site, including the effect on the Green Belt of the outbuilding allowed on appeal, are not comparable to the appeal proposal and they have limited relevance to my considerations in this appeal.

Other Matters

24. I acknowledge that the Council's concerns over the bulk and dominance of the appeal proposal are effectively encompassed within its assessment of the effect on the Green Belt, and did not lead to a standalone refusal reason on the character and appearance of the area. However, in its reason for refusal the Council found conflict between the appeal proposal and DDPP policies DP2 and DP7, which together seek development of good design that reinforces and enhances positive aspects of the locality and ensures that extensions to buildings are not visually obtrusive.
25. I saw on my site visit that the appeal site contained several buildings, and I am advised that the boundary wall is subject to enforcement action. As set out

³ APP/T2215/X/20/3257240

above, there is a relatively narrow gap separating the dwellinghouse from the outbuilding. In this context, the proposed link extension, which would be set back from the main walls of the existing buildings and with a lower roof line, would not constitute a visually dominant or bulky addition to the dwellinghouse. Viewed with the existing buildings, the proposed extensions would not harm the character and appearance of the area. For these reasons, the appeal proposal would be consistent with DDPP policies DP2 and DP7, the objectives of which are set out above. However, an absence of harm in this respect does not weigh positively in favour or against the proposed development, being a requirement of any well-designed proposal.

26. The appellant's concerns over the delays in the determination of the planning application and the Council's processing of the application have no bearing on my consideration of the planning merits of the appeal proposal.

Green Belt balance

27. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
28. There are no other considerations in this case that clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness and harm to openness. Therefore, the very special circumstances necessary to justify the appeal proposal do not exist.

Conclusion

29. For the reasons given above and having considered all other matters raised, I conclude that the appeal proposal conflicts with the Framework and Policy CS13 of the CS and Policy DP22 of the DDPP. There are no material considerations of sufficient weight to outweigh this finding. Accordingly, the appeal should be dismissed.

G Sylvester

INSPECTOR