



Appeal Decision

Site visit made on 26 September 2023

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/G2245/C/22/3297322

Fitchetts Farm, Broad Lane, Fordcombe, TUNBRIDGE WELLS, TN3 0SR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Jonathan Horsford against an enforcement notice issued by Sevenoaks District Council.
 - The notice was issued on 21 March 2022.
 - The breach of planning control as alleged in the notice is change of use of part of the land and associated building from agricultural (B8) and use as a scaffolding yard without planning permission.
 - The requirements of the notice are 1. Cease the use of the land and associated buildings for B8 purposes. 2. Cease the use of the land as a scaffolding yard. 3. Demolish fencing and scaffold racks and remove all resultant materials from the land. 4. Remove scaffolding and equipment, vehicles and any other associated paraphernalia from the land and associated buildings and 5. Return the land and building back to agricultural use.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. A site visit was made. The Council sent a representative, but the appellant did not arrive. The Council tried to make contact, but was not able to. From the parking space in front of the building, it was possible to see into the scaffold yard, to look at the building, surrounding buildings and the surrounding land. Therefore, all the information necessary from the site visit was available. Although it was not possible to get into the building, this was not necessary as the ground (a) relates to the allegation, and there is no argument about the use under a ground (b). The Council representative stood away, while we waited for the appellant.

Reasons

3. **Ground (a)**
4. The planning application relates to the allegation in the enforcement notice.
5. I consider the main issues to be:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and development plan policy.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area, including the Area of Outstanding Natural Beauty [AONB].
 - If the development is inappropriate in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
6. The development plan includes the Sevenoaks Allocations and Development Management Plan [SADM]. SADM Policy GB7 relates to proposals for the re-use of buildings in the Green Belt which would meet identified criteria. This includes that the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area.
7. SADM Policy EN1 sets out design principles, requiring high quality design, including the layout respecting the topography and character of the site. SADM Policy EN5 notes that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape. The National Planning Policy Framework notes that great weight should be given to conserving scenic beauty in AONBs.

Appropriate Development and Openness

8. The National Planning Policy Framework identifies that changes of use in the Green Belt are not inappropriate development if they do not affect openness. This is reflected in SADM Policy GB7.
9. The Council notes that the use of the barns for storing scaffolding equipment and vehicles does not have a greater impact on the openness of the Green Belt, but that the use of the former agricultural land to the west of the barns as a scaffolding yard has a significantly greater and harmful impact upon the openness of the Green Belt.
10. The appellant acknowledges this and has not appealed under ground (a) in relation to the use of the outside areas, but only in relation to the building itself.
11. I acknowledge that the storage, scaffolding etc. has significant bulk and visual impact and does have a substantial adverse impact in terms of the openness of the Green Belt and therefore is inappropriate development within the Green Belt. However, providing that the storage / scaffolding is maintained within the building itself I consider that there would be no increased impact on the openness of the Green Belt in relation to the building. There would be comings and goings of vehicles to service the building, but that would be unlikely to

materially affect openness. I therefore conclude that storage within the barn would be 'appropriate' development within the Green Belt.

Area of Outstanding Natural Beauty

12. Generally the surrounding area is a rolling landscape, fully justifying its designation as an Area of Outstanding Natural Beauty. I acknowledge that storage of scaffolding etc. inside the building would not affect the AONB, but would conserve it. However, there would need to be comings and goings to service the building with scaffolding vehicles etc, that would be very alien in the AONB. I consider that this would create an industrial style appearance that would be completely out of keeping with the character and beauty of the area. I therefore conclude that this would not accord with SADM Policy EN5.

Very Special Circumstances

13. The appellant has not made an argument for the use of the outside space and there is nothing to demonstrate the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the use of the outside yard. It would not accord with Policy SADM GB7.

Other considerations

14. In relation to the building, I appreciate the need for diversification, that there would be employment opportunities and that it enables a business to continue and this would help support the local economy. I also understand it would enable reuse of an existing building for which there is high demand. I note permitted development for barns, but these do not apply here. Core Strategy Policy SP8 includes a presumption in favour of conversion of buildings in rural areas to business uses. Furthermore, Policy SP8 supports development of start-up units for small business to generate more flexible working practices. Additionally, biodiversity would be little affected.
15. However, while giving weight to all these matters I consider that the harm that would be caused outside the building by its use would be significant and great weight should be given to this harm to the AONB, so all the possible benefits of the development would not outweigh the harm to the AONB. The appeal on ground (a) fails.

Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

INSPECTOR