



Appeal Decision

Site visit made on 25 October 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/H2265/W/22/3313126

**Field and Barn, Stocks Green Road, Hildenborough, Tonbridge, Kent
TN11 8AY**

Grid Reference Easting: 556174, Grid Reference Northing: 148238

- 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 Graham Hall against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/01357/FL, dated 1 July 2022, was refused by notice dated 22 November 2022.
 - The development proposed is change of use to agricultural repairs and auto repairs instead of lambing as barn has been used.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. However, I have omitted the dimensions of the barn, as these do not form part of the act of development.
3. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision.

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 proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - Whether any 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

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential

characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 149 and 150 of the Framework.

6. The Council refers to the exception at paragraph 150 e) that 'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)'. However, the appeal scheme involves the re-use of a building not an area of land. Therefore paragraph 150 d) would be more relevant which provides an exception for 'the re-use of buildings provided that the buildings are of permanent and substantial construction'. Both of these require that development must also preserve the openness of the Green Belt and not conflict with the purposes of including land within it. As such, in either case, I must consider the effect on openness.

Openness

7. The evidence before me suggests that vehicles are parked around the barn on land associated with the vehicle repair use. The officers report indicates that there would be 8-10 vehicles and the appellant states that in future they will only be parked behind the barn. However, I am not presented with any mechanism to secure the location or number of vehicles parked.
8. The appeal scheme therefore results in a number of cars parked on open land. Whilst individually the vehicles would not be permanent, nevertheless, car parking is likely to be continuously present on this area of land to a notable extent. Therefore, taking into account the frequency and extent of the car parking, this results in a marked increase in physical form on land which was previously open. As such there is harm to spatial openness.
9. The existing trees and hedges to the boundary of the field provide some screening in longer views. However, the site is highly visible in public views from Stocks Green Road and particularly from the footpath along the western boundary. Consequently, the car parking is clearly visible and therefore there is also harm to visual openness.
10. Therefore, the development does not preserve the openness of the Green Belt and conflicts with this purpose of including land within it. As such it is inappropriate development in terms of paragraph 150 d) and e) of the Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy (2007) (CS), which requires that national Green Belt policy will be applied in this area.

Character and Appearance

11. The site was previously an agricultural barn. It is surrounded by open green land. Although there is some development nearby it is sporadic. As such the character of the site is a rural building within a countryside setting.
12. The resultant development requires paraphernalia such as a portaloo, refuse bins and car parking as described above as well as the comings and goings associated with this commercial use. These developed features result in an urban, industrial character to the site, which harmfully jars with the rural surroundings.

13. The surrounding land remains in use for grazing livestock and keeping chickens and ducks. Whilst this contains the extent of the industrial character, the harm described above remains.
14. As such the appeal scheme is harmful to the character and appearance of the area. Therefore, in this regard, the development is contrary to Policy CP24 of the CS, SQ1 of the Managing Development and the Environment Development Plan Document (2010) (MDE DPD). Together these seek high quality design, including with regard to local distinctiveness and character amongst other things. Policy DC4 of the MDE DPD relates to equestrian activity. Therefore, the policies set out above are more relevant to this main issue.

Other Considerations

15. The proposed development would bring in an additional income for the farm. However, I am not persuaded that this is anything other than a private benefit and as such I afford this limited weight.
16. The appellant has drawn my attention to the car parking areas at the Golf Course and Gym, and at Phillpots Lane. These are visually separate to the appeal site and therefore any consideration of their effect on character and appearance or openness would be notably different to the development before me now. I am also directed to the housing at Omega and the properties known as 1-12 Stocks Close. Given their residential use, they would not have been considered under the same Green Belt exception to inappropriate development. Furthermore, the extent of parking associated with these properties are smaller than that proposed here. As such these developments are also clearly distinct from the appeal scheme.
17. I am aware of the appellant's concerns regarding the Council's handling of the planning application. However, that does not alter my assessment of the planning merits of the proposal.

Green Belt Balance

18. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the development's inappropriateness. I also find harm to the Green Belt due to its harm to openness. Along with the harm I have identified to character and appearance. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
19. The very special circumstances necessary to justify the development therefore do not exist. As such, the development conflicts with Paragraph 148 of the Framework and policy CP3 of the CS, the aims of which are set out above.

Conclusion

20. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles INSPECTOR