



Appeal Decision

Site visit made on 20 September 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Appeal Ref: APP/G2245/W/23/3316100

Woody Holme, Rock Hill, Orpington, Kent BR6 7PP

- 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 James Smith against the decision of Sevenoaks District Council.
 - The application Ref 22/01330/FUL, dated 9 May 2022, was refused by notice dated 1 December 2022.
 - The development proposed is the erection of a general purpose storage building (Retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that this is a retrospective application, and that the development has already been carried out. The building appears to have been constructed as shown on the plans before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans.
3. The parties refer to a storage container unit and truck body previously located on the site for a significant amount of time. There was no planning permission nor lawful development certificate (LDC) for this use though the Council acknowledges that had an LDC application been submitted, it would have confirmed that the land was used for storage. The appellant considers that the use of the site for ancillary storage does not require planning permission. However, the previous structures were removed and the outcome of the *Iddenden v SSE* Court of Appeal case¹, although relating to an enforcement notice, indicates that this use cannot survive the destruction of buildings and installations necessary for it to be carried on. Nevertheless, I have regard to the previous use and presence of structures on the site in my overall decision.

Main Issues

4. The main issues are:
 - whether the proposal is 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 of the Green Belt;

¹ *Iddenden v SSE* [1972] 1 WLR 1433

- the effect of the proposal on the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty (AONB); and
- whether any harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal represents inappropriate development

5. The site lies within the Green Belt identified in the Council's Local Development Framework Core Strategy 2011 (CS). Policies LO1 and LO8 of the CS seek to protect the extent of the Green Belt and require development to be compatible with policies for protecting the Green Belt.
6. Paragraph 149 of the Framework lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. These include buildings for agriculture and forestry (paragraph 149(a)), and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (paragraph 149(d)).
7. The proposal is described on the application form as a general purpose storage building. The supporting documents indicate that the building as constructed is used for the storage of equipment needed for the maintenance and use of the surrounding agricultural, equestrian and residential land including maintenance of owned land and 16 acres of rented land in equine use. As the application is not for a building wholly related to agriculture, it does not fall within the exception in paragraph 149(a) of the Framework.
8. The container and truck body which formerly occupied the site were used for ad hoc storage relating to the wider land uses but the structures required for this storage were removed. The parties agree that the proposed building is larger than the previous structures and the aerial photos show that its footprint considerably exceeds them. Although the land has been levelled to accommodate the development, there is limited evidence to demonstrate that its height and size is not materially larger than the structures it has replaced. Therefore, given the information before me, it has not been demonstrated that the proposal falls within the exception in paragraph 149(d) of the Framework.
9. Overall, I conclude that the proposal would be inappropriate development in the Green Belt. It would be contrary to Policies LO1 and LO8 of the CS and would conflict with the Framework.
10. Policy GB3 of the Council's Allocations and Development Management Plan 2015 (ADMP) relates to residential outbuildings in the Green Belt. As the proposal is for a general purpose storage building outside the approved residential curtilage, I do not find this policy to be directly relevant to the proposed development.

Openness

11. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.
12. The site lies on the junction of Rock Hill, Redmans Lane and Firmingers Road. There are several buildings, including a dwelling, stables, mobile homes and light industrial structures, spread out across the south-eastern part of the wider Woody Holme site which has developed over time. The proposed storage building lies between the dwelling and Firmingers Road, separated from the lane by a field access and high hedgerows.
13. There were previously storage structures in this location, but they were removed. Although located within a mixed area of development close to the house, the introduction of a large, enclosed, permanent building inevitably leads to a loss of spatial openness.
14. There are limited views of the development from Firmingers Road due to the difference in levels and the boundary hedge. However, it is visible from parts of Rock Hill through the entrance gates and a gap in the hedge and, as such, there is harm to visual openness. Therefore, inevitably there is a demonstrable loss of openness, in both visual and spatial terms.

Character and appearance

15. The site is in the countryside, within an area of mixed development which includes buildings, a farmyard and farmland. Woody Holme lies between the M25 and development at Rock Hill, with other building complexes in the vicinity. Whilst this means that it is not particularly isolated, the high roadside boundary hedges and woodland belts separate it from other development in the area.
16. The site is within the AONB where great weight should be given to conserving and enhancing landscape and scenic beauty in accordance with the Framework. The AONB is characterised by its dramatic south-facing scarp, far reaching views, secluded dry valleys, network of tiny lanes, isolated farmsteads, churches and oasts, orchards, dramatic cliffs, ancient woodlands and chalk grassland, and its ancient, remote and tranquil qualities.
17. The site lies alongside very narrow country lanes, on sloping ground between woodlands on higher land to the north and wide views of a valley with significant belts of woodland to the south. As such, it makes a positive contribution to the landscape and scenic beauty of the AONB.
18. The development comprises a large steel framed storage building clad in box profile sheeting. I accept that the building has been constructed using hard-wearing material which will weather over time. However, although the building has a lower height than the dwelling close by, its metal clad, functional appearance is in stark contrast to the neighbouring house and backdrop of fields and trees. Whilst set within a slope of regraded land, its height, size and siting at a higher level than the road means that it is discordant in views from parts of Rock Hill.
19. There are other sizeable buildings in the wider area and on the surrounding land, including metal clad structures. However, the existing large buildings at

Woody Holme are predominantly at a lower level, finished in darker materials or located further within the site than the proposed structure. The elevated location of the proposed building together with its scale, external materials and utilitarian appearance are incongruous in the landscape. The appellant indicates that there are no buildings of heritage or architectural merit at Woody Holme, but this does not alter the harm I have found to the landscape, nor is it seen as an extension to the built form of Rock Hill.

20. Consequently, I conclude that the development causes significant harm to the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the AONB. This is contrary to Policies EN1 and EN5 of the ADMP where they require the form, scale, materials and design of proposals in the AONB to conserve and enhance the character of the landscape. The proposal also conflicts with the Framework which seeks to protect and enhance valued landscapes.

Other considerations

21. The appellant indicates that the site has previously been broken into with expensive machinery stolen and that the building is needed to provide secure, weatherproof storage for equipment required to maintain large parcels of surrounding land. Whilst I have no reason to doubt that the appellant requires secure storage, there is little to suggest that a building of the size and design proposed is the only means of providing such storage and I give this matter limited weight.

Green Belt Balance and Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness and harm to the character and appearance of the area. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. I accord limited weight to the need for secure storage for maintenance equipment. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
24. The development conflicts with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

A Wright

INSPECTOR