



Appeal Decision

Site visit made on 20 November 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/H2265/D/23/3315233

64A Sevenoaks Road, Borough Green, Sevenoaks, Kent TN15 8AP

- 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 Crone against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/01857/FL, dated 22 August 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described as 'the redevelopment of the main house with extensions, internal reconfiguration, roof alterations including the alteration of 2no roof dormers and associated roof work, demolition/ adaptation of existing ground floor annexed building to a two storey building with roof extension, existing car port adapted/ rebuilt to secure 2no car garage with roof extension to accommodate new gym area at first floor.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development used in the banner heading above is taken from the planning application form. I note this was amended by the Council to reference only extensions to the buildings, rather than their redevelopment. I have, however, determined the appeal on the basis of the development for which the appellant applied.

Main Issues

3. 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 effects of the proposal on the openness of the Green Belt, and;
 - 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

4. The main parties agree the site is within the Green Belt. The Framework at paragraph 137 identifies that the fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. There are several which could be applicable here and which I have considered in turn. The need to apply national Green Belt policy is reiterated by Policy CP3 of the Core Strategy 2007 (the CS).

5. One such exception to inappropriate development is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The existing dwelling has the appearance of a chalet bungalow, with a low eaves level and rooms contained in the roofspace served by modest sized dormer windows and openings within the half-hipped roof ends. The attached annex comprises a single storey, with roof forms which respect those of the main house and the other outbuildings are low level timber structures of a simple design.
6. The appellant reports that the proposal would entail an uplift in built area of 35.7sqm and while this alone is not substantial, the built area is only one way of assessing whether the proposal would be materially larger. The proposal would entail a significant increase in the height and volume of the main building, including an increase in the height of its eaves and ridgelines. Together these increases would result in a building materially larger than the one it would replace. The outbuildings, which are in close proximity to the main building, would similarly undergo a significant increase in their size. On this basis, and in the absence of evidence to the contrary, the replacement buildings would be materially larger than the ones they would replace.
7. The description of development alternatively suggests the works could be carried out through extensions and adaptations. Another exception to inappropriate development listed in 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. There is not substantive evidence before me regarding the size of the original building or how it has been altered, although the planning history refers to the detached garage and gymnasium. As set out above, based on the evidence before me, the proposal would constitute substantial extensions and I cannot be satisfied that they would not constitute disproportionate additions over and above the size of the original building.
8. The appellant references the recent appeal decision which granted planning permission for two houses on land to the west¹. That development infills a gap between nos.64A and 66A and the Inspector found it would not be inappropriate development in the Green Belt as it would constitute limited infilling within a village, which is another exception listed within the Framework. While the appeal before me can similarly be considered to form a part of the village, the proposal would not infill a gap and the same exception to inappropriate development would not therefore apply.
9. In conclusion on this main issue, the proposal would not conform to any of the exceptions to inappropriate development given in the Framework. As a consequence it would be inappropriate development in the Green Belt.

¹ APP/H2265/W/21/3277995

Openness

10. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect. The existing dwelling and outbuildings are set within a generous plot of open mown grassland bound by dense coniferous hedgerows. Beyond those hedgerows the site adjoins a construction site of two houses to the west, as well as a care home to the north. The openness of the area is established by the spaces around the buildings, woodland to the south and the predominately open countryside beyond the care home to the north. A more dense pattern of development exists on lower ground to the east.
11. As above, the proposed alterations would decrease the spatial aspect of the Green Belt's openness through increasing the extent of built form on the site. Visibility of the proposal would be limited due to the tall and dense boundary treatments of the site. However, some visibility of the upper levels, particularly its glazing, may be apparent in longer views and in glimpses through the foliage, particularly from the access road which runs along the southern side of the site. In those views, the increase in the bulk of the buildings would be apparent, particularly through the extensive glazing at the upper levels. As a consequence the proposal would decrease both the spatial and visual aspects of the Green Belt's openness.

Other Considerations

12. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
13. Based on information provided by the appellant, the Council have recently carried out public consultation on documents which identify that a parcel of Green Belt land to the north may be suitable for development due to exceptional circumstances. The quote provided by the evidence, however, refers to economic, social and environmental benefits associated with that development, including a significant contribution to addressing the housing need. The same circumstances and benefits would not arise from the appeal scheme.
14. Despite the connection of the site to the adjoining settlement of Borough Green, the site nonetheless remains in the Green Belt and its relationship to the settlement would not reduce the weight which must be attributed to the Green Belt harm, as established by the Framework.
15. The proposal would allow for improved energy efficiency of the buildings and would provide the important benefit of a new lift within the annex, which would improve accessibility for its future occupants. However, it is not apparent that the resultant harm is necessary to secure these benefits and together they attract moderate weight, given the scale of the proposal. While the Council have not raised concerns regarding the effects on the character and appearance of the area, and while the proposal may be policy compliant in other respects, the absence of harm relating to these matters is a neutral factor and does not weigh in favour of the proposal.

16. Overall, the weight of the other considerations in this instance would not be sufficient to outweigh the totality of harm to the Green Belt. As a consequence, the very special circumstances necessary to justify the development do not exist. The proposal would be in conflict with CS Policy CP3 and the Framework as set out.

Other Matters

17. The Council's second reason for refusal relates to the relationship of the proposed annex to the main house. While it would have features making it capable of independent occupation, the appellant states it is intended to be occupied by family members, including growing children and senior parents, associated with occupants of the main house. The annex would continue to share an access and outdoor living space with the main dwelling and I have no strong reason to doubt the appellant's assertions, that it would not be an independent dwelling.

Conclusion

18. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR