The Planning Inspectorate

Appeal Decision

Site visit made on 7 November 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/G2245/D/23/3315725
Ragstones, 24 Ashen Grove Road, Knatts Valley, Kent TN15 6YE

- 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 Ayton against the decision of Sevenoaks District Council.
- The application Ref 22/02797/HOUSE, dated 8 October 2022, was refused by notice dated 5 December 2022.
- The development proposed is erection of one outbuilding (4-car garage). Replacement of gravel with brick paving to front driveway.

Decision

1. The appeal is allowed and planning permission is granted for erection of one outbuilding (4-car garage). Replacement of gravel with brick paving to front driveway at Ragstones, 24 Ashen Grove Road, Knatts Valley, Kent TN15 6YE in accordance with the terms of the application, Ref 22/02797/HOUSE, dated 8 October 2022, subject to the following conditions:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: EX001: Location Plan, PL102: Garage B, Plans & Elevations and PL099: Proposed Block Plan.

   2) Within 3 months from the date of this decision, details of biodiversity enhancement measures and a timetable for carrying out such works shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be carried out in accordance with the approved details and timetable.

   3) Prior to the installation of any external lighting, details of an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The external lighting scheme shall be installed in accordance with the approved details and maintained as such thereafter.

Preliminary Matters

2. I noted on my site visit that the dwelling has now been completed and is inhabited. In addition, the development which is the subject of this appeal has already commenced and is substantially complete.

Main Issues

3. The Council raise no objections to the change in materials for the driveway, based on the evidence before me and my site visit, I have no reason to reach a contrary conclusion on this matter.

4. Therefore, the main issue in dispute is whether the garage would represent a disproportionate addition to the dwellinghouse, so as to amount to inappropriate development within the Green Belt.

Reasons

5. The appeal site lies within the Green Belt and consists of a large, detached dwelling, which has a long driveway. On one side of the driveway is a detached double garage and on the other side is a 4 bay garage, which is the subject of this appeal. The Council advise that the double garage has no lawful status. The appellant's Planning Statement advises that the double garage does not form part of this scheme and will be removed. The area is predominantly characterised by sporadic residential development, which is surrounded by agricultural land and woodland.

6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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, and 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.

7. The construction of new buildings is deemed to be inappropriate development within the Green Belt, unless it falls within one of the exceptions set out in paragraphs 149 and 150 of the Framework. One exception, listed at paragraph 149 c) refers to 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. Policy GB1 of the Sevenoaks District Council Allocations and Development Management Plan February 2015 (ADMP) provides a local interpretation of paragraph 149 c), which in summary supports the limited extension of existing dwellings, provided the extension is proportional to the original dwelling.

8. The Framework does not provide a definition of 'disproportionate additions.' However, Policy GB1 of the ADMP requires that the design of an extension is subservient to the original dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. Policy GB1 provides a criterion for measuring proportionality and requires that the total floorspace proposed, together with any previous extensions or alterations, should not result in an increase of more than 50% above the floorspace of the original dwelling.

9. While Policy GB1 does not directly refer to new outbuildings in the Green Belt, the appellant has drawn my attention to Policy GB3 of the ADMP, which relates to residential outbuildings in the Green Belt. Policy GB3 states that outbuildings within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the outbuilding is located within 5 metres of the existing dwelling. The Council confirms that the outbuilding is within 5 metres of the dwelling and this is not disputed by the appellant.

10. Policy GB1 of the ADMP is clear that any increase in floorspace relates to the original dwelling, not the original building. The appellant confirms that works to convert and extend the former barn took place concurrently. I am advised by the appellant that at the time the building was first occupied as a dwelling, the

extension was in place and thus forms part of the original dwelling. Based on the figures provided by the Council, the floorspace of the original dwelling, incorporating the two storey rear extension is 453 sqm. The garage, which is the subject of this appeal has a floor area of 78 sqm, which equates to a 17% increase in floorspace compared to the original dwelling. The garage results in a modest increase in floorspace, well below the 50% limit in Policy GB1, which does not equate to a disproportionate addition when compared to the size of the original dwelling.

11. Furthermore, the garage has a low eaves and ridge height and appears ancillary and subservient to the dwelling in terms of its function and design. It is also not excessive in scale and its low ridge height minimises its overall bulk. It is common ground between both main parties that the garage is not visually intrusive. Consequently, the garage appears proportional and subservient to the original dwelling and does not materially harm the openness of the Green Belt.

12. For the reasons given above, I conclude that the garage is not inappropriate development in the Green Belt and accords with Policy GB1 of the ADMP. This policy among other things requires that extensions to dwellings are proportional and subservient to the original dwelling and do not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. The development also falls within the exception set out at paragraph 149 c) of the Framework, as it does not result in a disproportionate addition. Thus, I find no conflict with the aims of the development plan as a whole or the Framework, both of which aim to preserve the openness of the Green Belt.

Other Matters

13. The site is located within an Area of Outstanding Natural Beauty (AONB). The Council has not raised any concerns in this respect and even when giving great weight to the landscape and scenic beauty of the AONB, I see no reason to disagree.

14. While I note the Parish Council's concerns in respect to the number of planning applications on this site, this does not affect my findings in relation to the Green Belt. In any event, I am required to determine the appeal on its own merits.

Conditions

15. In the interests of certainty for all parties an approved plans condition is required. In order to enhance biodiversity on site, conditions requiring biodiversity enhancement measures and an external lighting scheme are reasonable and necessary. Given that the development has commenced, the standard time limit condition is not required. An external materials condition is not necessary, as the materials are specified on the approved plans.

Conclusion

16. For the reasons given above the proposal would not amount to inappropriate development within the Green Belt. In the absence of any other harm, I allow the appeal subject to the conditions set out above.

A James INSPECTOR