



Appeal Decision

Hearing held on 14 November 2023

Site visit made on 15 November 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/G2245/W/23/3327689

Land South East of 1 Hailwood Place, School Lane, West Kingsdown, Sevenoaks, Kent TN15 6FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Masters Knowles Developments South East Limited against the decision of Sevenoaks District Council.
 - The application Ref 22/03188/OUT, dated 10 November 2022, was refused by notice dated 2 March 2023.
 - The development proposed is described as 'Outline application for up to 6no. Custom-Build Dwellinghouses, with associated parking and biodiversity enhancements with some matters reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline planning permission. Approval is sought for matters of access and landscaping, and I have considered the appeal on this basis. I have regarded details of the reserved matters of layout, scale and appearance as illustrative. That said, the appellant accepted at the Hearing that the scope to bring forward a significantly different layout of development across the site from that shown on the illustrative masterplan would be constrained by the landscaping details presented.
3. Both main parties made reference to policies of the emerging Local Plan 2040 ('LP2040') and a version which was, at the time of the Hearing, due imminently to undergo 'Regulation 18' stage consultation. Given the early stage reached, I can have little certainty as to the eventual strategy for growth or the form of policies that may go forward to be adopted in future. As a consequence, I give limited weight to the emerging LP2040 in my decision.
4. The Council refused planning permission for 4 reasons, but having considered the information submitted by the appellant as part of the appeal and further representations from Kent County Council as the Lead Local Flood Authority, the Council confirmed that it was no longer pursuing objections in relation to drainage and to the safety of pedestrians using public rights of way. I have considered the appeal on that basis.
5. Subsequent to the Hearing, all Areas of Outstanding Natural Beauty ('AONBs') in England and Wales were renamed as 'National Landscapes' and the Kent Downs AONB within which the appeal site is located became known as the Kent

Downs National Landscape. However, the change does not alter the legal designation or policy status of the areas, nor the relevant considerations in this case. In the interests of clarity and consistency having regard to the evidence submitted and relevant legislation and policies, I have referred to the Kent Downs AONB rather than the Kent Downs National Landscape in my decision.

Main Issues

6. It is common ground between the main parties that the proposal would constitute inappropriate development in the Green Belt under the terms of the National Planning Policy Framework ('the Framework'). I concur with that position. The Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The main issues are therefore:
 - i) the effect of the proposal on the openness and purposes of the Green Belt;
 - ii) the effect of the proposal on the landscape character and appearance of the area including on the Kent Downs AONB; and
 - iii) whether or not 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 it.

Reasons

8. The majority of the appeal site comprises a broadly triangular parcel of land which sits between School Lane, the access drive to Hailwood Place and a Public Right of Way ('PRoW') SD270. An overhead power line crosses the site and there is a dilapidated animal shelter close to the boundary with the Hailwood Place access drive. However, the site predominantly comprises grass and low level vegetation and the lack of any significant built form is appreciable including from both School Lane and the PRoW in views through gaps in boundary vegetation. The appeal proposes up to 6 dwellings on the site.

Green Belt

9. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. It further sets out that Green Belt serves five purposes, including preventing neighbouring towns merging into one another and assisting in safeguarding the countryside from encroachment.

Openness of the Green Belt

10. Openness is not defined in the Framework, but the Planning Practice Guidance ('the PPG') advises that it is capable of having both spatial and visual aspects.
11. Details of scale, appearance and layout are reserved for future consideration. However, the presence of permanent dwellings together with the access road and parking as well as other paraphernalia likely to accompany the dwellings would inevitably cause a loss of openness on the site. The appellant highlights that the footprint of the dwellings would be equivalent to around only 7% of the site area and that around 76% of the site would comprise landscaped open

space or gardens. Be that as it may, the submitted landscaping details indicate residential plots arranged across a considerable proportion of the site. While the footprint of the dwellings and associated development would be small relative to the total site area and there would be gaps between buildings providing for some spacing between them, the spread of this development would result in a significant and pronounced loss of openness in spatial terms.

12. As part of the proposal, vegetation to the boundaries of the site would be supplemented by new planting, including a fairly large number of trees as well as hedgerows to the boundaries of individual plots. This would reinforce the existing visual enclosure of the site, and I accept that potential views of the development from the surrounding area would be limited. Even so, screening by vegetation may vary throughout the year and is unlikely to be complete. The presence of the access road would also be appreciable including from School Lane and the PRoW which it would cross. Although available views of the dwellings may be no more than glimpses, I find as a consequence that there would be some loss of openness in visual terms, albeit that this would be very limited and localised.

Purposes of Green Belt

13. The Sevenoaks Green Belt Assessment 2017 ('the GBA') provides an assessment of the performance of parcels of the Sevenoaks Green Belt against Green Belt purposes as defined in the Framework. The appeal site is within parcel 78 which is identified as relatively strongly performing against the purpose of assisting in safeguarding the countryside from encroachment. I acknowledge that it sits towards the south east part of the parcel rather than the north or west where the GBA highlights there is a very unspoilt rural character. I also note that the surrounding topography and enclosure by vegetation limit wide countryside views in this part of the parcel. Even so and despite other dwellings nearby including at Hailwood Place and Manor Road, the site is still appreciated as part of the countryside to the south of West Kingsdown. The largely undeveloped and open appeal site has a distinctly rural character and I find that it makes some contribution to the Green Belt purpose of safeguarding the countryside from encroachment. I appreciate that the site is a tiny part of the overall parcel and the effect of the proposal would be very localised, but it would nevertheless result in the encroachment of development into the countryside, contrary to this purpose.
14. The GBA also indicates that parcel 78 meets the Green Belt purpose of preventing neighbouring towns from merging. Part of the north west of the parcel is highlighted as forming the essential gap between Farningham and Eynsford while the centre and south of the parcel is identified as less important for preventing the coalescence of settlements. Noting the location of the site towards the south east part of the parcel some way from any town and its small size, I agree with the appellant that taken in isolation, the site plays a very limited role in this purpose. Even so, it is a component of the parcel which forms the wider gaps between Farningham, Eynsford, Otford, Kemsing and West Kingsdown. While adjacent woodland to the north may restrict scope for future coalescence towards West Kingsdown and the effect would be very limited, development on the site would still weaken the overall performance of the parcel in meeting this purpose.

Conclusion on Openness and Purposes of Green Belt

15. The proposal would result in a loss of openness in spatial terms, and would also result in some loss of openness in visual terms. The effect would be localised and limited, but the proposal would accordingly harm the openness of the Green Belt. There would also be harm, albeit very limited, to two of the purposes of the Green Belt. This would be in addition to the harm arising from the inappropriate nature of the development which is, by definition, harmful to the Green Belt.

Landscape Character and Appearance

16. The appeal site is located within the Kent Downs AONB. I have therefore had regard to Section 85 of the Countryside and Rights of Way Act 2000 which requires relevant authorities to have regard to the purposes of conserving and enhancing the natural beauty of AONBs when performing their functions.
17. Policy EN5 of the Allocations and Development Management Plan 2015 ('the ADMP') also advises that AONBs have the highest status of protection in relation to landscape and scenic beauty. It sets out that proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance. The appellant's Landscape and Visual Impact Assessment ('the LVIA') notes that the Kent Downs AONB Management Plan 2021-2026 sets out the principles for conserving and enhancing the natural beauty of the AONB. However, it does not go on to discuss in any detail what these principles are, nor review how they may relate to the appeal site or proposal.
18. At the most local level, the LVIA does refer to the Sevenoaks Landscape Character Assessment 2017 ('the SLCA') which indicates that the site is within Landscape Character Area ('LCA') 3b: East Hill Wooded Downs. This area is described as a level chalk plateau carved by steeply undulating and folding valleys, having a strong sense of enclosure created by the topography and areas of woodland. Key landscape characteristics include a small to medium scale irregular field pattern bounded by woodlands and hedgerows while built development includes historic farmsteads and hamlets, with 20th century linear residential settlements and housing developments to the outskirts of villages. Local objectives to conserve and enhance the landscape character include conserving the historic landscape pattern, conserving the rural character of the lanes including their high hedges and tree tunnels, enhancing local vernacular built form and respecting the special qualities of the AONB.
19. School Lane is a narrow road, which for much of its length is closely lined by vegetation. There are some scattered small groups of buildings and a few residential streets branching from it, but these are set within surrounding open paddocks and fields or woodlands providing for a generally rural character and appearance to the lane. While there are buildings present in the vicinity, the appeal site is part of the irregular field pattern along School Lane, and as an essentially open and undeveloped parcel bound by hedgerows and trees, it is representative of some key features of the LCA. I find that it makes a positive contribution to the distinctive rural character of the area, and to the landscape and scenic beauty of the AONB.

20. The Council has raised concerns about the design of the proposed dwellings but I am satisfied that buildings of appropriate scale, appearance and external materials could be secured through a design code which would be required under the submitted Unilateral Undertaking dated 6 November 2023 ('the UU') and future reserved matters submissions.
21. However, landscaping forms part of the application and while layout (along with appearance and scale) is a reserved matter, there is no firm detail before me to demonstrate how a significantly different layout could be accommodated while still adhering to the landscaping details presented.
22. The layout illustrated shows dwellings positioned in a broadly circular arrangement around a central green and attenuation pond. This would be similar to developments at Hailwood Place and Manor Road nearby. However, such a layout is at odds with the linear or compact, orthogonal courtyard forms that are more generally typical and distinctive of historic patterns of rural development in this part of the AONB. Irrespective of other development of the very local area, I find that the landscaping details indicate a development that would be incongruously suburban in the wider context and AONB with a form that would not relate well to the historic landscape pattern and character of the area. I appreciate that there are higher density cul-de-sac developments at The Grove and Hollywood Lane in the vicinity of the site but the further encroachment of suburban development into the rural landscape would result in the unwelcome reinforcement of an uncharacteristic pattern of development in this area with detriment to the landscape character and sense of place.
23. The appellant has drawn my attention to the Council's assessment of the Hailwood Place proposal where it was considered that a new modern development should be encouraged because there was no distinctive local vernacular that could provide a design inspiration. However, it is unclear from the information before me if this related to the layout of the development as well as the design of the buildings.
24. Furthermore, I note that the developments at Hailwood Place and Manor Road were on sites that had been previously developed with institutional buildings. In contrast, the appeal scheme would occupy a currently open parcel. It is not therefore directly comparable to those developments. The proposal for up to 6 dwellings would transform the appeal site to a housing development. This would in itself be urbanising.
25. The formation of the access from School Lane would result in the loss of a section of hedgerow. There would be a significant increase in the overall extent of hedgerow and new tree planting that would supplement other sections of the boundary. Even so, the presence of the access would be a new and urbanising interruption to the existing hedge and tree tunnel along the lane, eroding its rural character. This would be contrary to one of the local objectives identified in the SLCA to conserve and enhance the landscape character.
26. From the evidence before me and my observations, I consider the LVIA's assessment of the baseline landscape conditions to be broadly reasonable. However, given the uncharacteristic form of Hailwood Place and Manor Road in the wider LCA and AONB, I consider the appellant's evidence gives undue emphasis to their presence in the assessment of the proposal. As a consequence, I find that the magnitude of the landscape character impacts of the proposal and thus the overall landscape character effects have been

somewhat underplayed in the appellant's evidence. In my assessment, the above factors in combination would result in a notable suburban intrusion onto an open parcel that is currently a characteristic element of an attractive and important landscape. The proposal would harmfully alter the pattern and distinctiveness of the local landscape and would notably diminish the natural beauty and rural character of the landscape that the site forms part of, including the AONB.

27. The surrounding topography and vegetation would limit potential for views of the development and I note that the dwellings would be set in from the boundaries to provide for additional planting. Based on my observations at my visit and the evidence before me, I consider the assessments of the degree of visual effects in the LVIA to be reasonable.
28. However, while the appellant suggests that the site cannot be easily seen from within the AONB, the viewpoints with identified minor and moderate visual effects are themselves in the AONB. In any event, the fact that visual effects would be limited and localised does not overcome the harm to landscape character that would be caused by the proposal.
29. The appellant refers to enhancement of the AONB through the proposed new planting and the relocation of the existing overhead powerline to run underground. However, there is already a sense of enclosure at the site and while this would be reinforced by planting, the effect on the overall character and appearance of the area would be limited. The overhead powerline and its associated support posts are also very modest features which have a limited visual impact and which do not significantly diminish the rural character of the site. Moreover, I am not aware that there would be any change to the route of the adjacent sections of the line. Given these factors, I find that the relocation of the short section of powerline crossing the site would offer only a very minor enhancement to the character and appearance of the landscape. Overall, I find that the enhancement offered by these elements of the proposal would be far outweighed by the adverse effects I have identified above.
30. The small scale of the proposal would moderate the magnitude of the harm and I accept that it would be appreciated in the context of other nearby development. Nevertheless, I am mindful of the status of the site lying within the AONB and the consequent protection given to the landscape and scenic beauty of the area. The Framework further makes it clear that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
31. For the reasons above, I conclude that the proposal would fail to conserve and enhance the AONB and it would instead cause harm to the landscape character of the area, including the Kent Downs AONB. It would accordingly conflict with Policy SP1 of the Core Strategy 2011 ('the CS') and Policies EN1 and EN5 of the ADMP which broadly seek high quality development that respects and responds to local character and the conservation and enhancement of AONBs.

Other Considerations

Contribution to Housing Supply

32. The Council is unable to demonstrate a 5-year supply of deliverable housing sites with a supply position of 2.89 years. This is a substantial shortfall. The

Council also indicates that the most recently published results of the Housing Delivery Test show that housing delivery levels have been substantially below the requirement.

33. The main parties agree that significant weight should be given to the contribution that the proposal would make to addressing the deficit in housing supply, and from the information before me, I see no firm reason to find differently. That said, even if the dwellings were completed within 5 years as the appellant considers would be likely, the proposal for up to 6 dwellings would make only a very small contribution to the overall supply picture. While that does not diminish the weight that I give the contribution, the extent of the benefit would be limited.

Provision of Custom Build Housing

34. The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires local authorities to keep a register of individuals and associations who want to acquire serviced plots of land for self-build and custom housebuilding ('SBCH'). It further sets out a duty on local authorities to grant planning permission in respect of enough serviced plots of land to meet the demand for SBCH arising in each base period.
35. During discussions at the Hearing, both main parties amended their position on the number of granted planning permissions suitable for SBCH from that set out in their written evidence. Nevertheless, there remains a significant difference between the main parties' positions with the Council asserting that permissions have exceeded demand in every base period, and the appellant contending shortfalls against all but Base Period 1.
36. The majority of the difference between the parties comes down to whether or not 'Community Infrastructure Levy ('CIL') Form 7: Self Build Exemption Claim Form - Part 1' is adequate evidence to determine if a permission is a suitable permission for SBCH. The legislation does not specify how suitable permissions should be recorded. However, the PPG sets out that an authority must be satisfied that development permissions being counted meet the legislative requirements. The appellant highlights that the CIL Form 7 Part 1 process is self-certified indicating an intention to exercise a self-build exemption from CIL and does not require further evidence of exemption to be submitted. They also note differences in the CIL and SBCH legislation, noting for example that it would be possible for an applicant for a self-build exemption under the CIL Regulations to have bought a plot with planning permission for a dwelling. In such a scenario, the applicant for exemption may not have had primary input into the design and layout of the dwelling, and the permission would not therefore meet the definition of SBCH according to the PPG.
37. Moreover, the Council's evidence shows that self-build exemptions from CIL so far recorded as having been granted represent only a small proportion of the numbers of permissions indicating an intention to apply. There may well be some permissions granted where development has not yet reached the stage where they would be eligible to complete an application for exemption. Nevertheless, it is far from clear that this would be the reason in all of the affected permissions and while the Council may not have a formal process to remind people to complete an application for exemption, I would expect that many who were eligible would do so given the potential financial implications.

38. I heard that the Council has made changes to its processes for recording and monitoring SBCH since an appeal decision for development on Land at Brittain's Lane, Sevenoaks¹. Nevertheless, with regard to the above factors and the evidence before me, I am not persuaded that CIL Form 7 Part 1 alone is a sufficiently reliable basis to determine that a permission would necessarily meet the legislative requirements for SBCH. CIL Form 7 Part 1 and the Council's officer, CIL Addendum and CIL Exemption reports which I heard are informed by Form 7 Part 1 are the only evidence offered for a substantial number of the permissions relied on by the Council. As a consequence, I am in some doubt that sufficient permissions have been granted to meet the demand for SBCH against Base Periods 2-4. On the strength of the evidence before me, I find the appellant's position that there has been a shortfall in delivery and a failure to meet the statutory duty against these Base Periods to be more compelling. This would be the case even if I were to accept the Council's argument that permissions amending an earlier approval should be counted at the date of the new permission grant.
39. There is no current development plan policy relating to provision of SBCH and so the prospects for meeting demand in the short term seem to me to be uncertain at best. The emerging LP2040 includes a policy seeking provision of at least 5% serviced plots for self-commissioned housing on developments of 100 or more dwellings. However, I do not know if the requirement would form part of the adopted plan which is in any event some way in the future.
40. Furthermore, the Council did not offer any substantive challenge to figures presented by the appellant of levels of demand for SBCH according to secondary data sources. The Council's Targeted Review of Local Housing Needs 2022 states that the register provides up to date local evidence and it is not considered necessary to consider other secondary data. However, it offers little in the way of explanation to substantiate this comment. While there is no statutory duty to consider secondary data sources or meet demand according to these sources, they do suggest that there is in reality likely to be a greater level of demand for SBCH than indicated by the register.
41. The Framework outlines that planning policies should reflect the housing needs of different groups in the community, including people wishing to commission or build their own homes. The proposed dwellings would be secured as custom build through the UU. In light of my findings above, I consider that the proposal would make an important contribution to widening housing choice and meeting demand for SBCH in the District and I afford substantial weight to the provision of SBCH as a benefit of the proposal.

Biodiversity Net Gain

42. The proposal includes a biodiversity net gain of at least 30% for habitat units and 128% for hedgerow units. Policy SP11 of the CS states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. However, it does not specifically require enhancement and I have not been directed to any such requirement elsewhere within the adopted development plan. Furthermore, the Framework only seeks provision of a net gain in biodiversity, and while requirements for mandatory Biodiversity Net Gain are being introduced through the Environment Act and associated regulations, there are to be exemptions for

¹ APP/G2245/W/22/3308246

small scale self-build and custom housebuilding and the requirements do not in any event apply yet.

43. The proposal would therefore offer biodiversity net gain substantially in excess of requirements. However, the small size of the site means that the gains would be fairly modest in actual rather than percentage terms. Moreover, the weight to be attributed to a consideration is not simply a reflection of its magnitude and the fact that the percentage gains would be substantially more than required is not in itself a compelling basis to afford these gains substantial weight. I consider the biodiversity net gain to attract significant weight.

Environmental Sustainability

44. The appellant proposes that the development would achieve 80% net zero, with detailed parameters and sustainability targets to be specified as part of the Design Code which would be secured through the UU. They highlight that the Council has no currently adopted development plan policy to achieve net zero. Nevertheless, there are requirements relating to the provision of cycle parking and electric vehicle charging as part of development. While Policy SP2 of the CS refers to the achievement of levels in Code for Sustainable Homes which has been withdrawn, it also includes an expectation for improvements to energy and water efficiency of all developments. In this context, I give moderate weight to the proposed environmental sustainability measures.

Right of Way Upgrade

45. The UU includes commitments requiring implementation of a scheme for upgrading of the PRoW. In part, this would serve to mitigate concerns about the effect of the proposal on the safety of pedestrians using the route, and hedgerow planting is also part of the strategy to mitigate effects of the development. However, the UU also specifies that the scheme should include details relating to upgrading of the surface. This may enhance the accessibility of the currently unsurfaced section of the PRoW within the site, but this is a fairly short distance between School Lane and Hailwood Place. Noting also that the next part of the route of the PRoW beyond Hailwood Place and the intersecting Public Right of Way SD291 are not surfaced, I consider the surfacing would offer limited practical benefit to users of the network, and I afford limited weight to this benefit.

Further Considerations

46. The appellant's evidence refers to economic benefits associated with the construction process including opportunities for employment and for local businesses and trades. Spending by future occupiers could also help to support local facilities and services. However, the benefits would be likely to be limited given the small scale of the proposal and the construction effects would further be temporary. I give the economic benefits moderate weight.

Other Matters

47. There are a number of listed buildings in the vicinity of the appeal site, the closest of which is Stacklands Cottage. I have therefore had special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The special interest of the listed buildings derives largely from the architectural interest of

the buildings and their historic fabric and features, as well as their historic and evidential value as features of the rural landscape. Given the relationship of the appeal site to the listed buildings, the separation that would be maintained together with the existing and proposed boundary vegetation, I see no firm reason to disagree with the Council that the significance of the listed buildings would be preserved. However, the absence of harm weighs neither for nor against the proposal.

48. I have had regard to representations made by interested parties which raise additional concerns including in relation to highway safety, pressure on local infrastructure, drainage capacity and incidents of past flooding locally and that the proposal would create a precedent for future development. However, none of the matters raised alter my conclusions on the main issues.
49. The appellant's evidence includes a large number of other appeal decisions. My attention has been directed particularly to the conclusions that have been reached within these decisions relating to SBCH in support of the appellant's argument that substantial weight should be given to the provision of SBCH. Although I do not have full details of the cases or the evidence that was before those Inspectors to be able to draw detailed comparisons, I note that I have reached a similar conclusion that substantial weight should be given to the provision of SBCH as a consideration in favour of the proposal. However, I have not been referred to any examples where harm was found to both the Green Belt and AONB so as to offer direct comparison with the circumstances of the appeal proposal. My assessment of the overall planning balance and decision have been made according to the particular circumstances of this proposal and the evidence before me.

Planning Obligation

50. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations') outlines tests to be met by planning obligations. These tests are also reflected within the Framework, and require that obligations must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
51. The UU includes obligations providing for a monitoring fee as well as the upgrades to the PRoW and custom build housing including requirements for the submission of a design code and marketing strategy and the provision of serviced plots for disposal to eligible persons. From the information before me, I am satisfied that these obligations would be necessary to make the development acceptable in planning terms, that they would be directly related to the development, and that they would be fairly and reasonably related in scale and kind to the development. Accordingly, these obligations would meet the tests set out in the CIL Regulations and the Framework, and can be given weight. I have taken the obligations into account as material considerations.

Planning Balance and Conclusion

52. The proposal would be inappropriate development which the Framework identifies is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The Framework further sets out that substantial weight should be given to any harm to the Green Belt, and that '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.

53. While development of the appeal site may result in only very limited harm to the openness of the Green Belt in visual terms, there would be a significant loss of openness in spatial terms in comparison to the existing circumstances as well as some further limited harm to two of the purposes of Green Belt. I give substantial weight to this harm and the harm that the proposals would cause to the Green Belt by virtue of inappropriateness. I have also found harm to the landscape character of the area including the Kent Downs AONB and I give great weight to this harm and the failure to conserve and enhance the AONB.
54. Against this harm, I give significant weight to the benefit of up to 6 additional dwellings to the local housing supply and substantial weight to the provision of SBCH. I give significant weight to biodiversity net gain, moderate weight to the environmental sustainability measures and limited weight to the PRoW upgrade. The limited economic benefits also attract moderate weight.
55. However, it is not simply the weight to each factor that is of relevance, and it is necessary to also consider the extent of the benefits/harms identified. I am particularly mindful of the substantial shortfall in the supply of housing in the district and the failure to demonstrate that statutory duties in respect of SBCH have been met. The appellant also asserts that some development in the Green Belt is inevitable to meet housing needs and I heard that the emerging LP2040 is considering options including release of Green Belt and development in the AONB. Even so, the benefits of the proposal are modest in scale and I find that the other considerations, both individually and collectively, do not clearly outweigh the totality of the harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal so as to amount to the very special circumstances necessary to justify the development in the Green Belt.
56. Given that the Council is unable to demonstrate a 5 year supply of deliverable housing, the presumption in favour of sustainable development outlined at paragraph 11d) of the Framework is engaged. This outlines that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
57. My findings are that policies within the Framework relating to Green Belt provide a clear reason for refusing the development. In such circumstances and irrespective of the further harm that I have found to the AONB, footnote 7 to paragraph 11 of the Framework makes it clear that the presumption in favour of sustainable development would not apply.
58. The proposal would be contrary to policies in the Framework in respect of Green Belt and seeking development that is sympathetic to local character and the conservation and enhancement of AONBs. There would also be conflict with Policy SP1 of the CS and Policies EN1 and EN5 of the ADMP. Insofar as they broadly seek high quality development that is sympathetic to local character and the conservation and enhancement of AONBs, these policies are in general

accordance with the Framework, and I have no firm reason to find that the weight to be afforded to the conflict with these policies should be reduced.

59. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Moger	Tetlow King Planning
Mario Wolf	Custom Build Homes
Annie Gingell	Tetlow King Planning
Richard Hendy	ACD Environmental

FOR THE LOCAL PLANNING AUTHORITY:

Anna Horn	Sevenoaks District Council
Emma Coffin	Sevenoaks District Council, Planning Policy
Natasha Cleaver	Sevenoaks District Council, Urban Design

INTERESTED PARTIES:

Helen Cooke	Local resident
Stephen Cooke	Local resident
Josephine Watchorn	West Kingsdown Parish Council

DOCUMENT SUBMITTED AT HEARING

HD1 Draft Regulation 18 Consultation version of Emerging Local Plan 2040
 Approved by Cabinet on 9 November 2023. Submitted by the Council.