



Appeal Decision

Site visit made on 9 January 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2024

Appeal Ref: APP/G2245/W/23/3318183

Land South of Lane End, Sparepenny Lane, Eynsford, Kent DA4 0JJ

- 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 M. Boret against the decision of Sevenoaks District Council.
 - The application Ref 22/01898/FUL, dated 6 July 2022, was refused by notice dated 25 October 2022.
 - The development proposed is erection of single storey 3 bedroom dwellinghouse of green sedum roof design to be served by existing access leading from Riverside.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023, updated 20 December 2023. In the interests of natural justice, both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.
3. The appellant has submitted an Ecology Report and a Statement of Case prepared by a transport consultant with their appeal. This is to address the third and fourth reasons for refusal which relate to failure to demonstrate no harm to highway safety and insufficient information on the impact on protected species. The acceptance of these documents would not deprive those who should have been consulted of the opportunity of such consultation. The Council has advised that the third and fourth reasons for refusal can be withdrawn and addressed by suitable planning conditions. I have no reason to reach a contrary view.
4. In November 2023 all designated Areas of Outstanding Natural Beauty became National Landscapes and so will be referred to as such in this decision.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to 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 of the area including whether it would conserve or enhance the Kent Downs and High Weald National Landscape
- 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

Inappropriate development

6. The appeal site is within the Green Belt and outside the Eynsford settlement boundary. Paragraph 154 of the Framework sets out that new buildings in the Green Belt are inappropriate development unless they fall within a list of exceptions. One of these exceptions is the limited infilling in villages.
7. The Council's first reason for refusal only refers to the Framework. However, both main parties have referred to the Council's Supplementary Planning Document: Development in the Green Belt 2015 (the SPD). The SPD addresses both the terms 'villages' and 'limited infilling' and is broadly consistent with the aims of the Framework.
8. Although the site is outside the settlement boundary, a defined village boundary in a Development Plan is not conclusive in determining whether a site is within a village or not, as confirmed by a High Court Judgement¹. Notwithstanding that the site is adjacent to the settlement boundary and close to its facilities, at my site visit, I saw two distinctively different patterns of development in the areas immediately surrounding the site.
9. The first, characterised by more built-up sections of development, is concentrated along Riverside. The development here typically consists of a mix of residential and commercial uses. This pattern of development has a more ordered urban grain whereby buildings generally display closer spacing and are set parallel to the road. Travelling along Riverside, away from the village, the spacing between the buildings increases marking the change in character.
10. The second pattern of development travelling from Riverside to Sparepenny Lane has a markedly looser grain of development. The houses appear more scattered and their positioning in relation to one another is generally more sporadic with wide gaps. Further north of the site, along Sparepenny Lane, the housing is typically in a ribbon form of development on one side of the road. On the other side of the road, there is open countryside. The two houses near the appeal site sit within relatively large curtilages. The heavy vegetation and tree coverage that lines the road also contributes to the more semi-rural feel.
11. The SPD sets out that for edge of settlements with a Green Belt boundary, a consideration as to whether or not infill development might be appropriate is whether or not there is a break in development or a change in character to more loose knit development.
12. From my observations on the ground, there is a very clear change in character and appearance between the village and the appeal site. The settlement boundary therefore reflects this distinct change. Even if I were to accept that

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

the proposal would fall within the Council's definition of limited infill development, the appeal site falls squarely within the area characterised by loose-grained, sporadic, scattered development. It is therefore not visibly or functionally part of the village, despite its closeness.

13. As a result of the above considerations which have considered both the Council's SPD as well as the physical relationship and characteristics of the appeal site, I would not describe the site as being located within the village. The proposal would therefore not represent limited infilling in a village and cannot be considered as an exception to inappropriate development.
14. The appellant has referred to several appeal decisions and Council decisions granting permission for housing in the Green Belt. I have not been provided with the full details of these cases. I cannot therefore be sure that there are direct parallels between their circumstances and the situation in this appeal case. This is especially relevant where decisions may turn upon the on the ground assessment, and where any similarity in physical circumstances is important. Nonetheless, I have carefully reviewed these decisions.
15. In the Haresfield² decision, whilst outside the settlement boundary, the Inspector found that the proposal would form a continuation of built development, and the development would be typical of the pattern of development in the vicinity. Unlike in this appeal case, where I have identified the distinguishing characteristics of the different patterns of development. The Inspector was satisfied that the location formed part of the outer edge of the village and would therefore be classed as limited infilling in a village. Whilst the appeal site lies close to the village, it is more visually related to the land beyond it, than the land within it. The physical circumstances of the Haresfield site appear to be different to the site in this appeal.
16. The Inspector was satisfied in the Woodside³ decision, that the site could be considered to lie within a village, based on the on the ground assessment. Whilst the Inspector identified two distinct clusters of housing, no change in character was identified. This is different to this appeal case, where there is a change in character.
17. In the Rock House⁴ decision, there appears to be no disagreement over where the appeal site is with the Council accepting it is in a village. The Inspector found in the Hollands End⁵ decision that the site was functionally and visually part of the village, unlike in this appeal case.
18. When assessing the development at 9 Camberwell Lane⁶, whilst not formally defined as being in a village, the Council considered Ide Hill to be a smaller village/hamlet, unlike this appeal case. In the 6 Sealcroft Cottages⁷ case, whilst also outside the settlement boundary, the Council considered the site to be connected to the village and the development would not be out of character. Again, these appear to be different physical circumstances.
19. On the evidence submitted, I can draw no direct parallels between these appeal decisions to the circumstances and conclusions in this case. Nevertheless, each

² APP/G2245/W/19/3230759

³ APP/Q4625/W/17/3182260

⁴ APP/P0119/W/16/3151719

⁵ APP/A0665/A/14/2217226

⁶ 19/02628/FUL

⁷ 18/03609/FUL

proposal should be judged on its individual merits, and I have come to my own view regarding the development.

20. Accordingly, the proposal would be inappropriate development in the Green Belt. In line with paragraph 153 of the Framework, substantial weight is given to this harm.

Openness

21. Openness is an essential characteristic of the Green Belt. The single storey design, sedum roof and landscape screening would go towards reducing the visual perception of the proposed house. However, this would not resolve the spatial issue. The appeal site is generally open and free from any buildings. The construction of the house occupying most of the width of the site would result in built development where there is presently none. The reduction in openness from the development would be permanent, and it would compromise the objectives of the Framework in keeping Green Belt land permanently open. The proposal would therefore cause harm to the openness of the Green Belt and the level of harm would be significant.

Character and the Kent Downs and High Weald National Landscape

22. The appeal site is within the Kent Downs and High Weald National Landscape (the National Landscape) and covers a large area. Whilst located in between two houses, the appeal site has a semi-rural character with its open grassland and trees.
23. Spaciousness is a characteristic of the pattern of development which makes the landscape outside the settlement distinctive, and which distinguishes it from the character of development within the settlement. Immediately surrounding the site, the residential development is less consolidated.
24. Notwithstanding that the house would have a footprint similar to the nearby house, due to its width, it would considerably reduce the spacing between the existing houses. This close spacing would be at odds with the generally spacious development nearby. The proposal would consolidate built development along this part of the road and would therefore detract from the loose knit arrangement and spacious landscape character.
25. The proposal would therefore have an adverse effect on the character of the area and would neither conserve nor enhance the landscape and scenic beauty of the National Landscape. However, the level of harm would be moderate on account of the limited contribution that the appeal site makes to the National Landscape in the wider sense, the overall proposed design of the house and the substantial boundary screening. Nevertheless, the proposal would conflict with Policies EN1 and EN5 of the Allocations and Development Management Plan 2015 and the Framework. These policies, amongst other things, require development to recognise the intrinsic character and beauty of the countryside and conserve and enhance the character of the landscape.

Other considerations

26. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. One house would make a very minor contribution to the overall supply of housing across the Council area. There would also be social and economic benefits arising from the construction phase and future occupiers

would bring some trade to nearby shops and services. However, these benefits attract moderate weight, given the scale of development under consideration.

27. The Council has not raised any objections on trees, landscaping and residential amenity grounds. The important trees and landscaping on the site would also be retained and the Council has withdrawn their objections on ecology and highway grounds. However, the absence of harm is a neutral consideration and so does not weigh in favour of the appeal proposal. Biodiversity enhancements, which could be secured by condition, also carry limited weight in favour of the proposal given its small scale.
28. There is no substantive evidence before me to demonstrate that this is one of the few opportunities where development can occur in the area. As such, I give limited weight to the appellant's personal circumstances. I also understand that the appeal site has been subject to fly-tipping and trespassing and the proposal would combat this. However, I give this minimal weight as there is no compelling evidence before me to show that other less harmful measures have been considered to address this.

Planning Balance and Conclusion

29. The other considerations do not clearly outweigh the substantial weight that I must give to the harm to the Green Belt, by reason of inappropriateness and openness, and the moderate harm to the character of the area and the National Landscape that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with Policies EN1 and EN5 of the Allocations and Development Management Plan 2015 and the objectives of the Framework.
30. The Council is unable to demonstrate a five-year supply of deliverable housing sites. However, in light of the provisions of footnote 7, Paragraph 11 (d)(i) of the Framework, the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. As there would be harm to the Green Belt, the presumption in favour of sustainable development, as set out in the Framework, does therefore not apply.
31. For the reasons given above, the appeal is dismissed.

L Reid

INSPECTOR