



Appeal Decision

Site visit made on 23 January 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/G2245/W/23/3326475

Clouts Farm, Orchard Cottage, Ide Hill Road, Bough Beech, Kent TN8 7PH

- 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 Daryl Smith against the decision of Sevenoaks District Council.
 - The application Ref 22/03374/FUL, dated 30 November 2022, was refused by notice dated 11 April 2023.
 - The development proposed is described as "retrospective planning application for the erection of an agricultural barn at land adjacent to Orchard Cottage, Ide Hill Road, Bough Beech, Edenbridge, Kent TN8 7PH."
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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 National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties were not invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

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;
 - the effect of the proposal on the character and appearance of the area; 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). Policy LO8 of the CS seeks to maintain the extent of the Green Belt and requires development to be compatible with policies for protecting the Green Belt.
6. Paragraph 154 of the Framework lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. This includes buildings for agriculture and forestry (paragraph 154(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 154(d)).
7. The appeal documents indicate that the proposed barn is to be used to store a tractor, trailer and other associated agricultural and maintenance equipment associated with the appellant's agricultural activities on the wider site. The appellant also states that the site historically comprised a working allotment and it is intended to resume the historic agricultural use of the site as a small hold agricultural unit for growing mixed vegetables and fruits.
8. Nevertheless, much of the site is currently grassed and there is little evidence of any agricultural activities. Furthermore, regardless of the description of development, the application form indicates that the land is not part of an agricultural holding. The Framework does not refer to need or size in relation to new agricultural buildings and the appellant is willing to accept a condition restricting the barn to agricultural use with its removal should this use permanently cease. However, there is insufficient evidence to show that the proposed structure is to be used for agricultural purposes. Therefore, it does not fall within the exception in paragraph 154(a) of the Framework.
9. There is reference to the building having replaced a historic barn, but there is limited information demonstrating that this was in situ prior to the installation of the current structure. Although the appellant states that it is sited largely on the original footprint, a comparison between the existing and proposed site layout plans indicates that the proposed building has a significantly larger footprint than the previous one. Further, there is little evidence on the volume and height of the previous barn to be able to compare it with the proposed development. Therefore, it has not been demonstrated that the proposal falls within the exception in paragraph 154(d) of the Framework. As such, Policy GB9 of the Council's Allocations and Development Management Plan 2015 (ADMP) relating to the replacement of existing non-residential buildings in the Green Belt does not apply.
10. Overall, I conclude that the proposal is inappropriate development in the Green Belt. It is contrary to Policy LO8 of the CS and conflicts with the Framework. It also conflicts with the Council's Development in the Green Belt Supplementary Planning Document 2015 where it sets out the requirements for new buildings in the Green Belt.

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 adjacent to Ide Hill Road. There are no other buildings on it though there is a group of dwellings and converted barns to the south. The proposed building lies close to the northern boundary of the site, part of which is enclosed by mature trees.
13. There are references to a previous barn in this location, but there is little evidence of its size and in any event, it was removed. Thus, the introduction of a large, permanent building inevitably leads to a loss of spatial openness.
14. There are clear views of the development from Ide Hill Road when travelling northbound as the road is at a higher level than the building and there is only a low post and rail boundary fence on the southern boundary. The building is also visible through the access gate and through gaps in the trees when travelling southbound along the road. 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 not within a designated landscape but is within a rural area. There are traditional dwellings adjacent to the site, beyond which are converted barns. Despite the previous removal of some vegetation, there is mature boundary planting alongside this part of Ide Hill Road, with low hedges, small timber post and rail fences and gaps for vehicular accesses in front of the neighbouring buildings. There are no public rights of way within the immediate vicinity, but parts of the site are visible from the road.
16. The simple, single storey, large timber barn is intended to be typical of rural buildings in the area. However, its flat roof design does not reflect the hipped and pitched tiled roofs of the neighbouring properties. Further, its reddish-brown stained timber walls appear at odds with the brick walls of the adjacent dwellings and the black weatherboarded converted barns. Therefore, the form and functional appearance of the barn is in stark contrast to the traditional buildings nearby. Further, whilst set back from the highway, its height, size and siting mean that the structure is clearly visible from Ide Hill Road and appears incongruous in views from it.
17. The plans also indicate an access, gate and boundary fence. Although partly screened by trees, due to its height, colour, position and close boarded design, the timber fence introduces an urban feature, discordant in the rural street scene. The low height and modest design of the gate mean that it is not an intrusive feature. As the access is between a gap in the trees and there are other accesses in the vicinity, it does not appear conspicuous.
18. The appellant would accept a condition requiring landscaping and planting, but there is no scheme before me to show how this would adequately overcome the harmful appearance of the barn and boundary fence.
19. Consequently, I conclude that the development harms the character and appearance of the area. This is contrary to Policies SP1 and LO8 of the CS and Policy EN1 of the ADMP where they seek to conserve the countryside and require developments to respond to the distinctive local character, including in relation to the scale, height and materials. The proposal also conflicts with the Framework which requires development to be sympathetic to local character.

Other considerations

20. The appellant indicates that the barn provides a secure and sheltered location for the storage and safe maintenance of agricultural equipment required for the use and upkeep of the self-contained site. However, there is little evidence of agricultural use to justify provision of the building and therefore I accord this matter limited weight.
21. The site lies in proximity to grade II listed barns and outbuildings at Clout's Farm. Their special interest and significance derive in part from them being 16th-18th century weather-boarded tiled roof structures as part of a farmyard group. The proposed barn is located some distance from these structures, with a pair of semi-detached houses located between the site and the listed buildings. Given the distance and position of the proposed development in relation to the designated heritage assets and the presence of dwellings between them, the proposal preserves the setting of the listed buildings, and their significance is not harmed. I note that the Council raised no objection in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal or alter my overall conclusions on the main issues.
22. The Council raises no concerns in relation to several other matters, including archaeology, ecology, the living conditions of neighbours, flood risk and highways. Acceptability in relation to these issues is a neutral factor.

Green Belt Balance and Conclusion

23. 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.
24. I give limited weight to the need for secure storage for agricultural equipment. However, the other considerations do 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.
25. 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