



Appeal Decision

Site visit made on 23 January 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/H2265/W/23/3318982

**Land on South Side of Maidstone Road, Wrotham Heath,
Sevenoaks TN15 7SW**

- 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 Brian Bovington (1952) against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/02260/FL, dated 17 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is described as development to build a new detached single storey dwelling to replace existing derelict out buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section E of the appeal form states that the description of development has not changed but a different wording has been entered. For the avoidance of doubt, I have used the description of development provided in the application form in the banner heading above. However, I have deleted the wording that does not relate to acts of development.
3. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. The parties have had the opportunity to comment on this as part of their appeal submissions. I have had regard to the revised Framework in my decision.

Main Issues

4. Planning permission has recently been granted to construct a new detached single storey dwelling in the position of the existing buildings on site. As such, the principle of re-developing this site for a single dwelling is not a matter of dispute between the parties. As the current proposal involves a dwelling in a different position, in the centre of the site, it remains to be determined whether it constitutes inappropriate development within the Green Belt.
5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. One such exception is the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

6. Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy 2007 (CS) states that national Green Belt policy will be applied to proposals within the Green Belt.
7. Therefore, the main issues are:
 - the effect of the proposed development on the openness of the Green Belt;
 - whether the 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

Openness

8. Openness can be perceived spatially and visually. Trees and other vegetation are present around the perimeter of the site. The existing buildings on site are located in the southeastern corner, close to the trees, so they nestle in the site effectively. The appeal proposal, on the other hand, would occupy a central position within the plot, further away from the trees. As such, notwithstanding that the proposal would be comparable in size and scale with the existing buildings, its prominent position would inevitably give rise to an adverse impact on the spatial and visual dimensions of the site. Therefore, the proposal would have a greater spatial and visual impact on the openness of the Green Belt than the existing development and the permitted dwelling, to which, as set out in the Framework, I give substantial weight.
9. For these reasons, and despite its similar size and scale to the existing buildings and the permitted dwelling, the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and Policy CP3 of the CS.

Other considerations

10. The proposed dwelling would be located further away from the existing trees on site and would not involve the loss of existing landscape features. Nevertheless, the previous scheme was considered acceptable regarding its impact on trees, so I afford this limited weight.
11. The previous application was considered acceptable in terms of access and noise. Therefore, while the proposed scheme may be an improvement in relation to these matters, I afford this little weight.

Green Belt Balance

12. I have found that the proposed scheme would cause harm to the openness of the Green Belt, and would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
13. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by other considerations. Therefore, very special circumstances necessary to justify the proposal have not been demonstrated.

Conclusion

14. The proposal would conflict with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with it. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal should be dismissed.

P Terceiro

INSPECTOR

