



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: 20.02.2024

Appeal Ref: APP/H2265/D/23/3320673

Thompsons Oast, Hartlake Road, Golden Green, Tonbridge, Kent TN11 0BL

- 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 and Mrs William and Harriet Forsythe against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/02870/FL, dated 27 December 2022, was refused by notice dated 24 February 2023.
 - The development proposed is a new roof and alterations to existing garage to provide guest accommodation and gym.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. 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; and
 - 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

Inappropriate development

4. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception being 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 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.

5. The Framework does not provide a definition of 'disproportionate additions'. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
6. The appeal proposal would see the existing modest single storey detached garage extended to provide first floor accommodation. Despite the marginal increase in the building's footprint, the new roof would have a higher ridge line, increased by 1.5m and formed on three sides by gables. In addition, the proposal would comprise an external staircase. Taken together, these alterations would significantly increase the bulk and mass of the building and result in an increase in floorspace of approximately 70% over and above the original building.
7. The appellant submits that the setting and context of the garage should be taken into account. However, the 'disproportionate exception test' in this instance does not include the proposal's relationship with Oast house.
8. Given the above, the proposal would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building. As such, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy CP3 of the CS and with the Framework.

Openness

9. Openness can be perceived spatially and visually. While the appeal site is contained in a small enclave that includes other properties, the proposal would extend in footprint into space that is currently undeveloped. This, together with the increase in height and bulk to accommodate an additional floor, would inevitably impact on the spatial and visual dimensions of the site. Therefore, there would be harm to openness, to which, as set out in the Framework, I give substantial weight.

Other considerations

10. The proposal would be acceptable in relation to other matters, including character of the area, living conditions and highway safety. Nevertheless, the absence of harm in regard to these matters does not carry positive weight in favour of the proposal. Similarly, the fact that the proposal would be subservient to the host dwelling is also of little consequence.

Other Matters

11. The host dwelling on the appeal site, Thompsons Oast, is Grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. Thompsons Oast is a converted oast house which in part derives its significance from its two roundels and external materials.
12. The proposal would be subordinate to the scale of the listed building and would not compete with it. Were I minded allowing the appeal, materials could be secured by planning condition to ensure they would be appropriate within the

historic context. As such, the proposal would not detract from the setting of the listed building.

Green Belt Balance

13. The proposal would be inappropriate development in the terms set out in the Framework. In addition, it would fail to preserve openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
14. 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

15. Overall, I conclude that the proposal would conflict with the development plan as a whole. There are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR