
Appeal Decision

Site visit made on 7 February 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2024

Appeal Ref: APP/G2245/W/23/3327417

Land at Pootings Road, Crockham Hill, Kent TN8 6SD. Easting:545259. Northing:149379.

- 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 Hatch Homes Ltd against the decision of Sevenoaks District Council.
 - The application Ref 22/03356/FUL, dated 2 December 2022 was refused by notice dated 10 February 2023.
 - The development proposed is conversion of existing agricultural barn to 1 no. residential dwelling, alongside the widening of the existing access point.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

Main Issues

3. The main issues are:
 - Whether or not the appeal proposal constitutes inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - Whether the appeal proposal can provide an appropriate surface and foul water drainage scheme; and
 - If the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site lies within open countryside to the northwest of the hamlet of Pootings, and within the Metropolitan Green Belt. It comprises part of a wider, open field located to the north of Pootings Road. There is a small single-storey

timber barn sited close to the site's roadside boundary. This is served by a gated field access onto Pootings Road.

5. The information before me is that the barn was built around 4 years ago, following its approval in connection with a small agricultural holding producing eggs, soft fruits and vegetables. The land is now used for equestrian grazing, and there is a small field shelter sited close to the barn.

Whether or not inappropriate development in the Green Belt

6. Policy LO8 of the *Sevenoaks District Council Local Development Framework Core Strategy* (2011) (the Core Strategy) allows development which supports the maintenance and diversification of the rural economy and the vitality of rural communities, subject to compatibility with Green Belt protection policies. It also states that the extent of the Green Belt will be maintained.
7. Policy GB7 of the *Sevenoaks District Council Allocations and Development Management Plan* (2015) (the ADMP) allows the re-use of buildings within the Green Belt subject to, amongst other things, the proposed new use, along with any associated use of land surrounding the building, not having a materially greater impact than the present use on the openness of the Green Belt and the applicant demonstrating through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.
8. The aforesaid cited elements of the above policies are generally consistent with the Framework, and I afford them weight in my decision. They indicate that, in principle, the proposal to convert the existing barn to a small one-bedroom dwelling comprises a form of development that could be compatible with a Green Belt location, provided, amongst other things, there is no harm to the openness of the Green Belt and the barn is of a permanent and substantial construction.
9. Certain forms of development which are considered by the Framework not to be inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it, include the re-use of buildings provided that the buildings are of permanent and substantial construction (Paragraph 155 d).
10. The existing barn comprises a timber-framed and timber-weatherboarded building with a corrugated pitched roof, which has been constructed on a solid concrete floor slab. Internally it is partitioned into 3 areas, primarily comprising storage space, with two smaller areas used for poultry isolation and as an office.
11. I saw during my site visit, that the barn appears to be of a solid and sound construction and that there are no obvious signs of structural defects. The Council accepts that it is capable of residential conversion without the need for substantial rebuilding. On the basis of the evidence before me, including the appellant's submitted structural survey¹, and my site visit, I have no reason to doubt the view of the Council in this regard.

¹ Vkhpc-consulting 2 August 2022

12. In light of the above, the appeal development may not be inappropriate in the Green Belt, depending upon whether it preserves openness and accords with Green Belt purposes.
13. Openness in terms of the Green Belt can have a spatial as well as a visual aspect, and a consideration of openness is essentially a matter for the decision maker on a case-by-case basis.
14. Built development within the hamlet of Pootings mainly aligns the southern side of Pootings Road as well as including a small area to the north side of the road, southeast of the appeal site. In contrast, the appeal site and the land that surrounds it to the north, west and east has a wholly rural character, which is clearly distinct from that of the more urban-style development within the hamlet. The appeal site is located within a wider grassed area of open fields which forms part of a larger patchwork of fields which are interspersed with mature trees and hedgerows. As such, the appeal site clearly forms part of a natural, undeveloped rural environment.
15. The existing barn has a rural character. It sits unobtrusively within the landscape close to roadside hedging which defines the southern site boundary. Whilst there is existing post-and-rail fencing within the wider area comprising the small-holding land, this generally demarcates paddock land. There is no fencing which specifically delineates the red line boundary of the appeal site, nor results in a sense of immediate enclosure to the barn.
16. Moreover, notwithstanding the distance between the barn and the gated road access, there is no hardstanding access linking the two, so that the grassed, rural character of the site is retained. This reflects the existing purpose of the access of serving an agricultural small-holding/equestrian paddocks.
17. As such, the appeal site and the wider small-holding land within which it sits, retains an open and rural appearance, which is distinctly different from the more built-up character of the nearby hamlet.
18. The proposal would not involve any extensions to the existing barn structure and would retain the existing roadside hedging to the south which effectively screens the building in views from Pootings Road. In these respects, aspects of spatial and visual openness would be retained.
19. However, the proposal would introduce a more formal and enclosed layout of development and elements of urban built form onto the appeal site in connection with the proposed residential use. These aspects of the proposal would impact upon the openness of the environment immediately surrounding the existing barn, which is currently devoid of built development/surface infrastructure, aside from a small field shelter to the northwest of the barn and lightweight post-and-rail fencing or similar.
20. A proposed small amenity area to the side of the building is shown on the application plans. Notwithstanding this, the proposed new boundary around the edge of the appeal site would incorporate a significantly larger rectangular area of ground around the proposed dwelling. This would effectively comprise the land to which the new dwelling would relate, and which would be clearly separate from the remaining paddock land around the appeal site.
21. Permitted development rights could be removed by a condition. However, it is nonetheless reasonable to expect that there would be a requirement for

domestic paraphernalia in connection with the residential use of the building, and that this would be positioned within this private enclosed area surrounding the building. Such items could reasonably include garden furniture, barbeques, outdoor drying facilities, outdoor play equipment and facilities for the storage and collection of waste and recycling. In addition, the Council requires covered cycle storage. Cumulatively, the addition of these items onto the appeal site, which would be likely to include 3-dimensional structures as well as ground coverage with hardstanding or similar, would erode the spatial and visual openness of the appeal site.

22. Existing boundary landscaping along the road frontage would partially screen the above elements of the proposal and proposed new hedge screening around some of the proposed domestic curtilage would provide further screening. However, I cannot be certain that existing mature boundary planting would remain, or that the proposed planting would be implemented and maintained sufficient to visually screen the development. As such, the reliance upon existing and proposed landscaping is not a reason to allow development, which, notwithstanding the extent of any impact on visual openness, would also erode the spatial openness of the Green Belt.
23. The proposed widening of the existing vehicular access would involve some hedge removal and the formation of an access drive which would run alongside the eastern and northern boundaries of the appeal site. This would involve the formation of a lengthy amount of hardstanding, given the distance between the proposed dwelling and the access point.
24. The appellant's statement of case, in respect of the matter of drainage, confirms that such work is likely to comprise permeable hardstanding, such as block paving, up to and around the proposed converted barn. I saw during my site visit that ground within the appeal site tends to become wet and muddy, and so I do not doubt the need for a new firm surface treatment for the proposed vehicular access drive, parking spaces and any land around the building which would be required for pedestrian access or sitting out areas. Such works would erode the spatial openness of the Green Belt.
25. Impacts upon the openness of the appeal site would also arise because of increased activity on the appeal site in connection with the proposed residential use. This would include comings and goings associated with the occupiers, their visitors, and delivery/trades people, including pedestrian and vehicular movements and parking. Such movements would be significantly greater than those currently associated with the agricultural/equestrian use of the site.
26. New lighting on the site would also impact on its openness during the hours of darkness. This would include internal lighting, which would be visible through the additional glazed openings, and external lighting such as that arising from the use of the garden and the impact of vehicle headlights.
27. Notwithstanding that the residential scheme would be limited to only a part of the existing small-holding land, all of the above elements of the proposal, when combined, would result in a moderate impact upon the openness of the Green Belt in both spatial and visual terms. The scheme would harm the open and rural nature of the appeal site and result in the encroachment of the hamlet of Pootings further into the Green Belt countryside.

28. For the above reasons, therefore, the proposed development is contrary to Core Strategy Policy LO8 and ADMP Policy GB7. When assessed against Paragraph 155 d of the Framework, it does not comprise an exception to inappropriate development. It fails to safeguard the countryside from encroachment, one of the Framework's stated 5 purposes of the Green Belt and does not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Drainage

29. Although the appeal site is located within Flood Zone 1, where there is a low probability of river flooding, the evidence before me is that parts of the site are at risk from localised surface water flooding. There is a stream nearby to the east of the site, and anecdotal evidence of such flooding has been provided by a number of interested third parties.
30. Paragraph 173 of the Framework is clear that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, planning applications should be supported by a site-specific flood-risk assessment. This includes in respect of development within Flood Zone 1 which involves land that may be subject to other sources of flooding, where the development would introduce a more vulnerable use. Having regard to the proposed residential use, this requirement applies to the appeal scheme.
31. Notwithstanding that the appellant seeks to deal with the matter by means of a pre-commencement planning condition, the Framework is clear that, development should only be allowed in areas at risk of flooding, where a required flood risk assessment demonstrates, amongst other things, that the development is appropriately flood resistant and resilient, incorporates sustainable drainage systems, unless evidenced to be inappropriate, and that any residual risk can be safely managed.
32. Although the appellant has confirmed the intention to design the scheme to enable the continued percolation of surface water into the ground and to dispose of surface water to an existing watercourse, no further details have been provided and there is no site-specific flood-risk assessment. Moreover, the appellant acknowledges that the nearby stream to the east of the site is recorded as being a source of surface water flooding and presumes that surface water from the appeal site already drains to it.
33. As such, any increased surface water arising from the development would potentially exacerbate the existing surface water flooding incidents near the proposed residential unit and other nearby vulnerable residential properties in Pootings hamlet, which are located close to the stream.
34. For the above reasons, I therefore conclude that there is insufficient evidence before me to satisfactorily demonstrate that the proposal would provide adequate means of surface water drainage to serve the development and satisfactorily minimise flood risk in accordance with the requirements of the Framework.
35. The Council's second reason for refusal also relates to the failure of the appellant to demonstrate that an appropriate foul water drainage scheme could be implemented as part of the development. The proposal is to discharge foul

sewage to a package treatment plant and the appellant considers that there is sufficient available land to accommodate this.

36. Whilst the Council has objected on the basis of insufficient information to demonstrate that this matter can be satisfactorily dealt with, it has not referred to any specific national or development plan policies in this respect. Moreover, I have not been provided with detailed comments from its Environmental Health Officer or the Environment Agency to support the Council's concerns.
37. Should I have been minded to allow this appeal, I would have sought further information from both main parties on this matter. However, even if I accept that this issue is capable of being dealt with by means of a planning condition, this would result in this matter having neutral weight in the Green Belt planning balance below. As such, it is not determinative to the outcome of this appeal, and therefore there is no need for me to pursue this matter further.

Other considerations

38. The proposal would contribute towards the Council's supply of housing, at a time when the Council can only demonstrate a 3.9 year housing land supply. I attach a modest amount of weight to this benefit, given the small scale of the residential proposal.
39. Limited economic benefits would arise from the implementation works associated with the appeal scheme. There would be sustained economic and community benefits to the local economy during the subsequent occupation of the dwelling. I attach modest weight to these long-term benefits, noting that, in the absence of cogent evidence to the contrary, there could also be some economic disbenefits as a result of the loss of the existing agricultural building.
40. The appellant has confirmed the intention to include landscape and biodiversity enhancements within the scheme. In the absence of precise details of such proposals, and since it is a requirement of the development plan and the Framework in any case, I attribute a neutral weight to this matter for the purposes of the planning balance below.

Planning Balance

41. The appeal scheme represents inappropriate development in the Green Belt as defined by the Framework. The Framework indicates that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development results in a loss of spatial and visual openness, thereby adversely impacting upon one of the essential characteristics of the Green Belt and one of its main purposes of safeguarding the countryside from encroachment. There is also moderate harm arising from the failure to satisfactorily demonstrate that the proposal would provide adequate means of surface water drainage to serve the development and satisfactorily minimise flood risk.
42. Very special circumstances will not exist, unless harm by reason of any inappropriateness and any other harm, is clearly outweighed by other considerations. Government policy dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.

43. I attach a modest degree of weight to the contribution the proposal would make to the local supply of housing and in respect of economic and community benefits associated with the construction and future occupation of the appeal scheme.
44. I conclude that these, and all other considerations cited in support of the proposal would not clearly outweigh the substantial harm the development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with Core Strategy Policy LO8 and ADMP Policy GB7, which aim to protect the Green Belt against inappropriate development, as well as Chapter 13 of the Framework.

Conclusion

45. The appeal scheme would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given above, the appeal should be dismissed.

S Leonard

INSPECTOR