



Appeal Decision

Site visit made on 26 March 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/G2245/W/23/3332482

Orchard Cottage, Maidstone Road, Seal, Kent TN15 0HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Brown on behalf of Tromsostan Ltd against the decision of Sevenoaks District Council.
 - The application Ref is 23/00754/FUL.
 - The development proposed is the construction of dwelling and detached double garage with store. Use and adaptation of existing vehicle access from Pillar Box Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On submission of the appeal the appellant submitted an Arboricultural Report¹ and associated Tree Protection Plan² to address the Council's second reason for refusal. These documents were available when the appeal was submitted, and the Council have had the opportunity to consult and have provided their views. These documents have provided clarity rather than any significant changes to the proposal and in this regard the Council consider the second reason for refusal has been resolved. Accordingly, no one would be prejudiced were my decision to have regard to these documents. I have therefore done so and have no reason to conclude with the Council's assessment that the second reason for refusal has been resolved which has framed my main issues.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England became "National Landscapes" and I have therefore replaced references to AONBs to National Landscapes.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan Policies;
 - whether the proposed development would conserve and enhance the landscape and scenic beauty of the Kent Downs National Landscape (the National Landscape), and

¹ BS:5837 Arboricultural Report – Arboricultural Survey, Impact Assessment & Method Statement – October 2023
- Ref: SCD 06131/2023

² BS:5837 Tree Protection Plan – October 2023 – Ref: Orchard Cottage TPP 06131 / 2023

- 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

Whether inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Paragraph 143 of the Framework sets out the purposes of the Green Belt which are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
6. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. There is dispute between the Council and appellant as to whether the appeal site would constitute previously developed land. However, even if the appeal site is considered to be previously development land, the proposed development must not have a greater impact on the openness of the Green Belt than the existing development.
8. The appeal site is a predominantly open and grassed parcel of land which is bordered by dense trees and vegetation. I appreciate that the appeal site is well screened and previously formed a garden where domestic paraphernalia could be in situ, however, the construction of a building on land where there is currently no built form would inevitably lead to a loss of openness, both visually and spatially.
9. Therefore, the exemption at paragraph 149 (g) is not met. Accordingly, the proposal would comprise inappropriate development in the Green Belt. As far as relevant, the proposal would be contrary to policy LO8 of the Sevenoaks District Council Local Development Framework Core Strategy Development Plan Document Adopted 22 February 2011 (CS), which seeks to maintain the extent of the Green Belt. I am required to attach substantial weight to this harm.
10. The Council refer to conflict with Section 3 of the Development in the Green Belt Supplementary Planning Document Adopted February 2015. However, this section relates to limited residential infill in villages which the appeal before me is not proposing and it is therefore not relevant.

National Landscape

11. The Council report that the site is within the National Landscape. The appeal sites open plot with its densely vegetated boundaries gives the area an open and verdant character and appearance which contributes positively to the qualities of the National Landscape. Paragraph 182 of the Framework requires

great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes.

12. The development proposed would result in a large dwelling and double garage sited centrally within the plot. There would also be a large garden area which surrounds the property. The site is well screened, however, due to the extent of the development and garden, views would still be possible through gaps in vegetation and the proposed access which would erode the open and verdant character and appearance of the area that contributes positively to the qualities of the National Landscape.
13. I therefore conclude that the proposed development would fail to conserve and enhance the scenic beauty of the National Landscape. It would be contrary to Policies EN1 and EN5 of the Sevenoaks District Council Allocations and Development Management Plan Adopted February 2015 (ADMP) and Policy SP1 of the CS. Amongst other things, these seek to ensure that development respects the surrounding and distinctive character of the area and conserves and enhances the National Landscape.

Other considerations

14. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with paragraph 76 of the Framework. The Council's latest figures indicate identify a 3.9 year supply, which represents a substantial shortfall.
15. The dwelling proposed would make a small but important contribution to the existing housing shortfall. However, the benefits of housing delivery, to which I have attached significant weight, are tempered by the fact that the provision of one additional unit would only make a very small difference to housing supply.
16. There would be some economic benefit during the construction phase. There would also be some biodiversity enhancements and measures to reduce carbon emissions which could provide some environmental benefit.
17. The Council have found that the proposed development would use acceptable materials and be individually designed like other properties in the area and would not cause harm to occupiers of neighbouring properties. The Council have also found that there would be no harm to highway safety and that adequate parking would be provided. I have no reason to conclude differently, however, these are neutral matters.

Green belt balance and conclusion

18. The other considerations that weigh in favour of the proposal only carry limited weight when considered as a whole. Therefore, in this case they do not clearly outweigh the harm to the Green Belt and National Landscape. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
19. Given the Councils shortfall in deliverable housing sites, I have had regard to Paragraph 11d of the Framework. However, footnote 7 therewith specifies that land designated as Green Belt and National Landscapes is among the examples of specific policies which indicate that development should be restricted. The identified harm to the Green Belt and National Landscape provide a clear

reason for refusing planning permission and the proposal would therefore not benefit from the presumption in favour of sustainable development.

20. In conclusion, the proposal conflicts with Policies LO8 and SP1 of the CS and Policies EN1 and EN5 of the ADMP and national policy set out in the Framework which seeks to protect the Green Belt and National Landscapes. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

D Wilson

INSPECTOR