



Appeal Decision

Site visit made on 10 April 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/G2245/W/23/3325987

Southview Lodge, Church Road, Hartley, Longfield, Kent DA3 8DZ

- 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 and Mrs Paul and Genty Jarvis against the decision of Sevenoaks District Council.
 - The application Ref is 23/00463/FUL.
 - The development proposed is an outbuilding for ancillary domestic storage purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that an outbuilding has already been erected on the site and, from my site visit, there appear to be some differences in the appearance and location of this compared to the one shown on the submitted plans. I have determined the appeal based on the submitted plans rather than the development which has been built.
3. The application form describes the development as 'Retrospective planning permission for outbuilding'. However, the description of development set out in the banner heading above is taken from the decision notice which more accurately reflects what has been applied for, and the appellants have confirmed that they have no objection to this.
4. 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

5. The main issues in this appeal 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 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 the proposal would be inappropriate development

6. The appeal site is located within the Green Belt. 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 the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 154(g)).
7. The definition of previously developed land in the Framework refers to land which is or was occupied by a permanent structure, including the curtilage of the developed land. It excludes land in built-up areas such as residential gardens. In this respect, a court judgement¹ found that residential gardens that are not in built-up areas are not excluded from the general definition of previously developed land.
8. The site is within the curtilage of a lawfully occupied mobile home and the appellants accept that this is not a permanent structure. Whilst the mobile home is sited on hardstanding and there is a gravel parking area adjacent, these do not constitute structures. Therefore, regardless of whether the site is in a built-up area, it is not occupied by a permanent structure and therefore does not meet the Framework's definition of previously developed land. It thus follows that the development would not constitute an exception under paragraph 154(g) of the Framework.
9. Consequently, I find that the appeal proposal would be inappropriate development in the Green Belt.

Effect of the proposal on openness

10. 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.
11. The appeal site lies adjacent to Church Road, with the mobile home located amongst a row of dwellings which stretches along this side of the road. The properties have long rear gardens which slope down, with some containing small garden sheds. There are also some larger outbuildings predominantly located close to the dwellings. However, behind the site lie a shed partly screened by a boundary hedge and a stable block mainly screened by trees, with rolling countryside beyond.
12. The proposed ancillary outbuilding would result in built development where previously there was none. Although it would only cover a small proportion of the plot and regardless of other outbuildings in the vicinity, the introduction of a permanent building at the end of a long, open garden would inevitably lead to a loss of spatial openness.
13. Much of the proposed building would be screened in views from Church Road by the mobile home, but there would be glimpsed views of part of it from the road. Whilst there are fences and hedges along the garden boundaries, the structure would also be partly visible from some nearby gardens. As such,

¹ Dartford BC v SSCLG [2017] EWCA Civ 141

there would be harm to visual openness. Therefore, there would be a demonstrable loss of openness, in both visual and spatial terms.

14. Policy GB3 of the Council's Allocations and Development Management Plan 2015 (ADMP) sets out circumstances in which residential outbuildings in the Green Belt will be permitted. The Green Belt Supplementary Planning Document 2015 (SPD) gives guidance on the application of this policy, including a limit on the size of any outbuildings. However, the parties agree that Policy GB3 and the SPD do not apply to the appeal proposal as the site comprises a mobile home rather than a dwelling.
15. The appellants indicate that the proposed structure would look like a stable and the Council did not find harm in terms of its design and appearance, nor conflict with Policy SP1 of the Core Strategy 2011 or Policies EN1 and EN4 of the ADMP in this respect. However, this would not alleviate the harm it would cause to the openness of the Green Belt.

Other considerations

16. The appellants state that caravan sites commonly have additional storage buildings. They further indicate that the outbuilding would be needed for storing gardening equipment to maintain the plot and other domestic items for which there is no space in the mobile home. Whilst I have no reason to doubt that the appellants require storage, there is little to suggest that a building of the size and in the location proposed would be the only means of providing such storage and I give this matter limited weight.
17. The Council did not find harm or conflict with Policy EN2 of the ADMP in relation to living conditions. However, even if I were to agree with the Council on this point, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Green Belt Balance and Conclusion

18. 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 would be adverse impacts on openness. Substantial weight should be given to the harm caused 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.
19. I accord limited weight to the need for storage for gardening, maintenance and other domestic equipment. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, the development would be contrary to the Framework.
20. Therefore, I conclude that the appeal should be dismissed.

A Wright

INSPECTOR