



Appeal Decision

Site visit made on 4 March 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/G2245/W/23/3323190

Warren Farm, Main Road, Sundridge, Kent TN14 6EE

- 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 K Finch against the decision of Sevenoaks District Council.
 - The application Ref is 22/03385/FUL.
 - The development proposed is the temporary siting of a container and the erection of an agricultural barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The container and barn are present on the site, and I am therefore determining the appeal on this basis. I have amended the description of development in the banner heading and my formal decision to remove reference to retention as this is not an act of development under s55 of the Act.
3. In December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Whilst the revisions have resulted in changes to paragraph numbers, the substance of the Framework in terms of the Green Belt and Areas of Outstanding Natural Beauty has not. 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

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
 - whether the proposal would conserve and enhance landscape and scenic beauty in the Kent Downs Area of Outstanding Natural Beauty (AONB); and
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

5. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The Framework states that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.
6. The development is for a barn and metal storage container. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this includes buildings for agriculture and forestry.
7. The appellant states that the development is for their own use for the storage of equipment and paraphernalia for their metal fabrication business. It is also suggested that the development is related to the maintenance of the adjacent land. However, there is no substantive evidence before me to demonstrate that the development relates to agriculture or forestry. The evidence presented indicates that the scheme is for storage associated with the appellant's business. Consequently, I am not persuaded that the development meets exception a) of Paragraph 154 of the Framework.
8. The siting of the container has resulted in a material change of use of the land. Paragraph 155 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes of use of the land.
9. The development is visible from the access and from Main Road. The site is enclosed by hedges and trees to the boundaries, restricting the visual effect of the scheme on the area. Nevertheless, the container, in addition to the barn, results in a harmful reduction in both the visual and spatial openness of the Green Belt. Furthermore, the change of use of the land resulting from the siting of the container represents a noticeable, albeit modest, encroachment of urban activity into the countryside.
10. For these reasons, I find that the development is not a new building for agriculture or forestry. Nor does it comprise a material change of use that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Therefore, the scheme is inappropriate development which is, by definition, harmful to the Green Belt. The development therefore conflicts with the Framework, which seeks to protect the Green Belt from harm.

AONB

11. The site is within the Kent Downs AONB. The Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. I am also mindful of the statutory purpose of AONBs to conserve and enhance the natural beauty of the area.
12. The appeal site is part of a larger parcel of land parallel to one side of a single-track lane and adjacent to Main Road. The wider site is bounded by hedges and

mature trees and is primarily laid to grass. Adjacent to the site access are commercial premises, including buildings and storage containers.

13. The scheme is small in scale and the sympathetic colour finish reduces its visual effect on the area. The development has a similar character to the commercial premises adjacent to the site. Nonetheless, the further spread of commercial development within a predominantly rural area results in harm to the typically open and verdant character of the area, including the AONB landscape.
14. I conclude that the development fails to conserve and enhance landscape and scenic beauty in the AONB. The development therefore conflicts with Policy EN5 of the Allocations and Development Management Plan (2015), which requires proposals to conserve and enhance the character and appearance of the landscape and with the Framework, which requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

Other considerations

15. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. The Council consider that the development is suitably detached from the nearest properties to limit the harm to the living conditions of the occupants of neighbouring properties. I see no reason to disagree with this conclusion. Nonetheless, the absence of harm carries neutral weight.
17. An electricity substation fronts Main Road close to the site. The appellant also indicates that there are other developments that have been permitted in the locality. Although screened by existing landscape features, the substation is in a more prominent position than the development. However, the details relating to its siting and those of other developments have not been presented to me. I therefore cannot be certain that the circumstances are directly comparable to the appeal scheme. In any event, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations. Consequently, this consideration carries neutral weight.
18. The appellant suggests that permission could be granted subject to a condition that requires the barn and container to be removed should the ownership of the site change. The Planning Practice Guidance states that a condition requiring demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Furthermore, there is no substantive evidence before me to indicate that the site is, or would likely be, available for sale. Moreover, as I have identified harm, a condition requiring the removal of the development at an unspecified point in time would not make it acceptable in planning terms and would not meet the tests set out in Paragraph 57 of the Framework. Therefore, I attribute neutral weight to this consideration.

19. For these reasons, I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the appeal development do not exist. The appeal development therefore conflicts with the Framework, which seeks to protect the Green Belt from harm.

Conclusion

20. The proposal would not accord with the development plan as a whole. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR