



Appeal Decision

Site visit made on 4 March 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/G2245/W/23/3327570

Former Car Park for The Rock and Fountain, Rock Hill, Orpington BR6 7PJ

- 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 E & M Services (UK) Ltd against the decision of Sevenoaks District Council.
 - The application Ref is 22/01756/FUL.
 - The development proposed is the erection of 4 Detached Single Storey Dwellings (2 x 2 Bed and 2 x 4 Bed) with Associated Amenity, Parking Spaces and Landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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 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

3. 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; 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

4. 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.

5. The appeal site is located largely to the rear of existing dwellings, which front Rock Hill. The area is typically rural in character and has a dispersed pattern of development. The site comprises the car park of a former public house and an area used for the storage of containers as established under Lawful Development Certificate (LDC) reference 19/00030/LDCEX. There is no dispute between the parties that the site comprises previously developed land.
6. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the limited infilling or 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. The Framework identifies the essential characteristics of Green Belts as being their openness and their permanence.
7. The front part of the site is largely devoid of any buildings or structures, but includes a significant area of hardstanding and entrance gates. Consequently, any new buildings would have a significantly greater impact on the openness of the Green Belt than the existing development to the front of the site.
8. The rear part of the site is set back from Rock Hill and is largely screened from outside of the site by the existing landscape features. The appellant suggests that there could be an increase in the number of storage containers. While there is no indication that the LDC would prevent this, there is no substantive evidence before me to suggest that an intensification is likely given the limited change since the LDC was issued. Nevertheless, even if the number of containers were to increase, the discreet position of this part of the site would limit their visual effect on the openness of the Green Belt.
9. The proposal would introduce four dwellings across the site, including in the position of the existing car park close to the site frontage. Although single-storey with modest footprints, the scale and massing of the dwellings would have a greater impact on the openness than the existing development. Furthermore, the proposal would result in increased activity, particularly at the front of the site, and pressure for domestic paraphernalia across the site.
10. The dwellings would be clearly visible from the front of the site. The site is visually contained to the side and rear boundaries by the tall hedges and mature trees. Consequently, the level of harm to the visual openness of the Green Belt would be limited. Nonetheless, the presence of four permanent buildings at the site would result in a harmful reduction in the spatial openness of the Green Belt and would appear as an encroachment of development in the countryside.
11. For these reasons, I find that the proposal would fail to meet the requirements of Paragraph 154 g) of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

Other considerations

12. 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.

13. The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). Paragraph 182 of 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.
14. The hardstanding and the storage use are uncommon features within the locality. The site is visually contained, and the effect of the existing development and use, including any intensification, is consequently limited. The proposal would enhance the character and appearance of the site, removing the potentially unsympathetic storage use and replacing it with a proposal incorporating a sensitive landscaping scheme. However, the proposal would be more prominent given the introduction of built form towards the front of the site and this tempers the positive effect that it would have on the area, including the AONB landscape. Therefore, I apportion moderate weight to this consideration.
15. The proposal would lead to an enhancement in biodiversity at the site, following removal of the existing development and the implementation of the scheme of landscaping and habitat creation. The development would secure a net gain in biodiversity in excess of the requirements of Policy SP11 of the CS. Consequently, I attribute moderate weight to this consideration.
16. The site is close to the Grade II listed buildings of Rock Cottage and the former Rock and Fountain public house. Special regard is required to the desirability of preserving their setting, which includes the appeal site given their proximity to it. The listed buildings are noted for their scale and proportions, and the former use as a public house. The attractive detailing and material finish contribute to their significance within Rock Hill.
17. The proposal would not harm the significance of the listed buildings. The removal of the hardstanding and the storage use would be a visual enhancement of the setting of the listed buildings. However, the dwellings and the associated residential areas would alter the character and historical association that the site had with the public house. While the absence of harm is a neutral factor, the modest enhancement to the setting of the heritage assets would carry moderate weight.
18. The proposal would provide four dwellings, making a positive contribution to housing supply within the District, where the Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing land. There would also be associated social and economic benefits during the period of construction and once the dwellings are occupied.
19. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly, giving great weight to the benefits of using suitable sites. However, the contribution of four dwellings to meeting housing need in the District and the associated benefits would be limited by the scale of the development proposed. Consequently, I attribute limited weight to this consideration.

20. The Council consider that the proposal would have an appropriate design, would be acceptable in respect of highway safety and would not harm the living conditions of occupants of neighbouring properties. I find no reason to take a different view. Nonetheless, the absence of harm is a neutral factor and therefore does not weigh in favour of the proposal.
21. 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 proposal do not exist.

Other Matter

22. I have had regard to concerns raised by the appellant about the Council's handling of the application, including the Officer changes and the request for additional supporting information. These issues are procedural points, which are not relevant to my consideration of the case before me.

Planning Balance and Conclusion

23. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing land. Paragraph 11 d) i) of the Framework states that in these circumstances permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. Footnote 7 clarifies that this applies, amongst other things, to policies in the Framework relating to land designated as Green Belt.
24. The proposed development would be inappropriate development, which is by definition harmful to the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and this would not be clearly outweighed by other considerations. Therefore, the application of the policies in the Framework provide a clear reason for refusing planning permission.
25. The proposal would conflict 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 I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR