



Appeal Decision

Site visit made on 15 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/H2265/D/23/3330891

Little Allens, Allens Lane, Plaxtol, Sevenoaks, Kent TN15 0QZ

- 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 Winborn against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/01299/FL.
 - The development proposed is a new utility room to the side of the existing kitchen, new rear porch to the rear elevation and alteration to the existing door / side lights, alteration to the existing stairway window to allow the construction of the rear porch, replacement of the kitchen rear window with French doors, installation of a new stainless steel chimney flue, powdered coated in matt black, alteration to the existing Games Room's front elevation including the fenestration.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

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;
 - the effect of the proposal on the openness of the Green Belt; 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 comprises a detached two-storey dwelling fronting Allens Lane. The proposal includes two single-storey extensions to the rear and to the side of the dwelling, adjacent to the parking area.
6. Policy CP3 of the Tonbridge and Malling Borough Core Strategy (2007) (CS) establishes the extent of the Green Belt and states that National Green Belt policy will be applied. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines "original building" as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
7. Neither the Framework nor the development plan provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
8. There is no dispute that the original building comprised an area of 129 square metres. The dwelling has subsequently been extended following the grant of planning permission for a two-storey side extension. The previous extension has added considerable scale and mass to the original building. While not a significant increase in itself, when taken with the substantial size of the previous enlargement the proposed extensions would result in disproportionate additions over and above the size of the original building.
9. I find that the proposal would result in a disproportionate addition over and above the size of the original building. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. Consequently, the proposal would conflict with Policy CP3 of the CS and with the Framework, which seeks to protect the Green Belt from harm.

Openness

10. The Framework identifies the essential characteristics of Green Belts as being their openness and their permanence. The land rises significantly to the rear of the dwelling limiting views of the rear elevation from outside of the site. However, the site has an open frontage with clear views of the side of the dwelling from Allens Lane. The proposed side extension would be clearly visible and would lead to a reduction in the visual openness of the Green Belt. Furthermore, the additional scale and massing of the proposed extensions would result in a harmful reduction in the spatial openness of the Green Belt.
11. For these reasons, the proposal would harm the openness of the Green Belt. The development would therefore conflict with Policy CP3 of the CS and the Framework.

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 appeal development, is clearly outweighed by other considerations.
13. The Council consider that the proposal would have an appropriate design and given the characteristics of the site, would not harm the overall character and appearance of the area, highway safety and the living conditions of occupants of neighbouring properties. I find no reason to take a different view. Nonetheless, while the proposal would improve functionality and bring the property up to modern standards, the absence of harm is a neutral factor and therefore do not weigh in favour of the proposal.
14. The site is close to the Grade II listed buildings of Old Allens and the Barn to the east of Old Allens. 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 their association with the rural environment. In addition, the site is in the Old Soar and Allens Plaxtol Conservation Area (CA). Special regard is required to preserving or enhancing the character or appearance of a conservation area. The significance of the CA is derived from its sporadic built form focussed on Allens Lane.
15. Given the discreet positioning relative to the listed buildings and the limited scale of the extensions, the proposal would preserve the setting of the listed buildings and the character and appearance of the CA. Nevertheless, the absence of harm attracts neutral weight.
16. The appellant has directed me to development at the property to the rear of the site where permission was granted by the Council for a two-storey dwelling. While I have not been presented with the specific details of this development, I note that it related to a proposal for previously developed land, which differs from this appeal. In any event, each proposal should be considered on their individual merits and with appropriate regard to the development plan and any material considerations. Consequently, this consideration carries neutral weight.
17. My attention is also drawn to development at a neighbouring dwelling where permission was granted by the Council for a single-storey extension to the dwelling. The extent of the original building at that site is unclear, whilst I have not been presented with sufficient details to make a suitable comparison. As such, I cannot be certain that the circumstances are similar. 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. I have already identified that the proposal would be inappropriate development and would harm the spatial openness of the Green Belt. Consequently, I do not accept the appellant's assertion of an absence of material harm and so this consideration carries neutral weight.

19. 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 Policy CP3 of the CS and with Paragraph 154 c) of the Framework.

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 I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR