



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/23/3333080

The Gatehouse, Rectory Lane, Ightham, Sevenoaks, Kent TN15 9AJ

- 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 & Mrs A Bickley against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/00976/FL.
 - The development proposed is a first floor roof extension to create a new bedroom, bathroom & ensuite.
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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;
 - 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 dwelling within a large site. The dwelling is primarily single-storey, with first floor accommodation above one element of the building. The proposal is for a first floor extension adjoining the existing first floor accommodation.
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'. 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. Planning permission was granted under references 99/00795/FL, 04/01810/FL and 12/02037/FL for extensions to the dwelling, including at first floor level. The construction of the extensions has substantially extended the original building, adding considerable scale and mass to the original building. The additional scale and massing of the appeal proposal would therefore make it a disproportionate addition to the original building when considered with the previous enlargement of the dwelling.
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 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. A wall forms the boundary of the site with Rectory Lane and, alongside the existing landscape features within the site, the visual effect of the proposal on the surrounding area is limited. Nevertheless, while the footprint of the building would be unaltered, the additional scale and massing of the development would lead to 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 proposal would provide an additional bedroom and a more convenient family bathroom. In addition, the extension would increase the ceiling height. The development would improve the internal layout for occupants of the property, however I apportion this consideration only limited weight.
14. 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, access and 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 do not weigh in favour of the proposal.
15. 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

16. 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