



Appeal Decision

Site visit made on 23 April 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/G2245/D/23/3329958

Palmers Cottage, The Lane, Fordcombe, Kent TN3 0RP

- 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 Mrs Juliet Billingham against the decision of Sevenoaks District Council.
 - The application Ref is 23/01819/HOUSE.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

3. The appeal site, containing a two storey semi-detached dwelling, is located in a rural area within the Green Belt and the High Weald AONB. The existing dwelling has undergone previous extensions to enlarge the original building along with a number of outbuildings in the rear garden. The proposed development would introduce a single storey extension to the rear of the property infilling a rear corner between the kitchen/dining room and the living room.
4. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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. Policy GB1 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (the LP) indicates that proposals to extend an existing dwelling within the Green Belt will be permitted if the total

floorspace of the proposal, together with any previous extensions, alterations and outbuildings, would not result in an increase of more than 50% above the floorspace of the original dwelling (measured externally) including outbuildings within 5m of the existing dwelling. Whilst the Framework does not specifically define a disproportionate addition, Policy GB1 of the LP is generally consistent with the Framework's approach.

5. The Council and the appellant have provided figures which demonstrate that the original dwelling had a floorspace of 87.2m². The appellant has stated that the single storey side and rear extensions, which have been added to the dwelling, have a total floorspace of 44.4m². There are also several outbuildings within 5m of the existing dwelling, which further add to the overall floorspace at present. The proposed extension would result in an additional floorspace of 28.1m². Therefore, the total floorspace of the proposal together with previous extensions, alteration and outbuildings would result in an increase of more than 50% above the floorspace of the original dwelling.
6. The appellant contend that existing extensions and outbuildings already constitute an increase of more than 50% above the floorspace of the original dwelling. Nevertheless, these figures demonstrate that the cumulative size of the existing extensions, outbuildings and the proposed development would be significantly larger than that of the original building.
7. Not only would the proposal and the existing extensions result in a building which has a substantially larger floorspace than the original dwelling, it would result in significantly more built form on the appeal site when compared to the original building. Furthermore, although only single storey in nature and infilling a rear corner of the dwelling, the proposal would give rise to a substantial increase in the bulk and massing of built form to the rear of the property, which could not be considered proportionate in size to the original building.
8. Consequently, the proposed extension along with previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 154 (c) of the Framework, relating to the extension or alteration of a building. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 153 of the Framework, should be given substantial weight.

Openness

9. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
10. The proposed extension would be located to the rear of the dwelling with limited visibility from the road and no public access from the fields to the rear. As such, the proposal would not erode the visual openness of the site. However, the proposed extension would introduce additional built form on the appeal site with a greater floorspace and overall massing than the current dwelling. Due to this, the proposal would have a spatial impact on the openness of the Green Belt. Therefore, although there is no visual impact, the

proposed development would have a spatial impact on the openness of the Green Belt, in that it would be reduced.

11. The Framework makes it clear in paragraph 153 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

12. The appellant has indicated that a single storey extension could be added under permitted development rights. However, no evidence has been provided to suggest that the appellant intends to implement this should the appeal fail. Furthermore, it is not known the extent of the extension which would be permissible under these rights and the Council have outlined that a much smaller extension would only be possible. As such, this attracts limited weight in support of the proposed development.
13. The appellant contends that the proposed development would continue to allow the Green Belt to serve the five purposes outlined within paragraph 143 of the Framework. They also highlight that the scheme has been found acceptable by the Council in relation to the landscape character of the AONB in which it is located, the character and appearance of the area and neighbouring amenity. However, this lack of harm is a neutral factor in my consideration of this case, which would not weigh in favour of the proposed development.

Green Belt Balance and Conclusion

14. The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
15. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy GB1 of the LP which seeks to protect the Green Belt, along with paragraphs 152, 153 and 154 of the Framework and the Sevenoaks District Council Development in the Green Belt Supplementary Planning Document (SPD) 2015.
16. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR