



Appeal Decision

Site visit made on 29 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2024

Appeal Ref: APP/G2245/D/23/3331708

Littlefield High Street, Shoreham, Kent TN14 7TT

- 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 Brant McNaughton against the decision of Sevenoaks District Council.
 - The application Ref is 23/02184/HOUSE.
 - The development proposed is the demolition of existing greenhouse; erection of first floor extension and alterations to the existing roofscape to include terrace with associated works to landscaping and existing access.
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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

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 proposal includes a first floor extension to the existing dwelling. 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.
6. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (2015) (SADMP), states that residential extensions within the Green Belt will be permitted where they meet three main criteria, namely that a) the existing dwelling is lawful and permanent in nature; and b) the design response to the original form and appearance of the building and the proposed volume of the extension, taking into consideration previous extensions, is proportional and subservient to the original dwelling, and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
7. If the proposal meets criteria a) and b), then it must also be assessed against criterion c), which requires that clear evidence is provided that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floor space of the original dwelling (measured externally), including outbuildings within 5m of the existing dwelling.
8. There is no dispute that the existing dwelling is lawful and permanent in nature. The proposal would add considerable scale and massing to the dwelling and would therefore make it a disproportionate addition that would not be subservient to the original building. Furthermore, there is no dispute that the proposal would result in an increase in floorspace of more than 50% above that of the original dwelling when considered with the previous extensions.
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 GB1 of the SADMP 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. While the increase in height of the dwelling would result in it being more visible from the public footpath and the road, the existing landscape features within the site would limit the visual effect of the proposal on the surrounding area. 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 appellant has submitted plans showing how the dwelling could be extended under permitted development rights. The plans include two single-storey extensions to the dwelling, which were confirmed to be permitted development under a Lawful Development Certificate (LDC) reference 23/00397/LDCPR. The LDC extensions would provide a similar amount of floorspace than the appeal proposal but would increase the overall footprint of the building. However, the small scale and position of the extensions would have a lesser visual effect on the surrounding area than the appeal proposal.
14. I have had regard to the other proposals presented to me, which were determined by both the Council and at appeal where extensions have been permitted due to permitted development fallback schemes being afforded substantial weight. Given that the appellants have prepared drawings and established the fallback position formally, I consider there is a greater than theoretical possibility that such development might take place. The appellant has offered to remove permitted development rights and not implement the development under the LDC.
15. Nonetheless, there is a physical possibility that both the LDC and appeal proposals could be carried out. There is no mechanism before me to prevent existing permitted development rights being exercised prior to commencing the proposed development as the removal of such rights would only take effect once any permission has been implemented. This then negates the fallback position and I therefore apportion no weight to this consideration.
16. I have already identified the proposal would be inappropriate development and would harm the spatial openness of the Green Belt. Consequently, while the effects would not be of such magnitude that the proposal would conflict with any of the five purposes of including land in the Green Belt, as set out in Paragraph 143 of the Framework, I do not accept the appellant's assertion that there is an absence of demonstrable harm and so this consideration carries neutral weight.
17. The Council considers 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. Nevertheless, the absence of harm is a neutral factor and therefore do not weigh in favour of the proposal.
18. 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 proposed development do not exist. The development therefore conflicts with Policy CP3 of the CS and with Paragraph 154 c) of the Framework.

Conclusion

19. 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