

Appeal Decision

Site visit made on 2 September 2024

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2024

Appeal Ref: APP/H2265/D/24/3337192

Yew Tree Cottage, Bells Farm Road, Hadlow, Kent TN11 0JR

- 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 A Baldock against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/01768/FL.
 - The development proposed is demolition of existing outbuildings and construction of new garage/pool house incorporating changes to hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings and construction of new garage/pool house incorporating changes to hard and soft landscaping at Yew Tree Cottage, Bells Farm Road, Hadlow, Kent TN11 0JR in accordance with the terms of the application Ref TM/23/01768/FL and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - M20-2139:23B – location plan
 - M20-2139:20B – existing site plan
 - M20-2139:21B – proposed site plan
 - M20-2139:24B – existing block plan
 - M20-2139:25B – proposed block plan
 - M20-2139:22B – existing outbuildings
 - M20-2139:10F – proposed floor plan and elevations
 - 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

Preliminary Matter

2. Listed building consent has been granted for the demolition of the existing outbuildings under TM/23/01769/LB.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

4. The site lies within the Green Belt in which the construction of new buildings is regarded as inappropriate, unless they fall within the exceptions set out in paragraph 154 of the National Planning Policy Framework (the Framework). Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 (the Core Strategy) supports the application of national Green Belt policy, as set out in the Framework, to the area in which the site is located.
5. Paragraph 154 d) of the Framework allows the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposed garage/pool house is intended to replace a number of existing outbuildings on the site. There is no dispute between the main parties that the wording of paragraph 154 d) can be read as applying to a group of buildings rather than just one. The proposed building would be used for similar purposes to those it would replace.
6. Although part of the proposed building would be open sided, it would be covered by a fully pitched roof and therefore needs to be taken into account in assessing the overall size of the structure. The Council estimates that the proposed building would have a floorspace approximately a third larger than the buildings it would replace, and a volume approximately half as large again. It would therefore be materially larger when assessed against either of those metrics, and falls outside the terms of paragraph 154 d) of the Framework.
7. Because of the increase in size, it would also have a greater impact on the openness of the Green Belt than the outbuildings to be removed. It would therefore not fall within the terms of paragraph 154 g) of the Framework, which allows the redevelopment of previously developed land, but only subject to the caveat on not having a greater impact on openness.
8. However, paragraph 154 c) of the Framework allows 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. While the Council does not address this sub paragraph of the Framework in its report, it is a matter raised by the appellant. In my view the extension of a building can include structures that are physically detached from that building, so long as they still form a subordinate adjunct to it. I consider that to be the case here, as the garage/pool house would be used for purposes incidental to the enjoyment of the dwellinghouse and would be sited in the property's garden close to the swimming pool which it would serve and an area already used for domestic parking.
9. I note from the planning history that the dwelling has previously been extended. Nevertheless, I consider that in terms of its size and scale, the garage/pool house would be proportionate to the original building and would sit comfortably alongside it playing a subsidiary role in both function and appearance.

10. I conclude that when considered as an extension to the dwellinghouse, the proposed garage/pool house would comply with paragraph 154 c) of the Framework and falls within one of the exceptions for the construction of new buildings in the Green Belt. It would not therefore be inappropriate development and consequently would not conflict with Policy CP3 of the Core Strategy. Because it would not be inappropriate development there is no need for me to have any further regard to its impact on openness or assess whether it is justified by very special circumstances.

Other Matters

11. Yew Tree Cottage is a grade II listed building, whose significance derives from its age and construction as an example of a 16th century cottage in the local vernacular style with brick and tile hung elevations under a clay tiled roof.
12. The proposed garage/pool house would be built to a design and in materials that would be sympathetic to the cottage. The pitched and part hipped roof would reflect that on the main house as would the use of plain clay tiles. The use of weatherboarding over a brick plinth for the elevations would be characteristic of traditional farm buildings in the locality and would therefore be suitable for the rural location.
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving the setting of the listed building. The Council raises no objection on heritage grounds, and for the reasons given above I also consider that it would not have a harmful effect on the setting of the listed building.

Conditions

14. In addition to a time limit condition I have imposed a condition specifying the approved plans in the interests of certainty.
15. I have imposed a condition requiring approval of the external materials of the building. This is a modified form of the condition suggested by the Council and is necessary because of the importance of materials being sympathetic to the listed building, and because those materials are only shown in general terms on the approved plans.

Conclusion

16. I conclude that the proposal accords with the development plan and there are no material considerations that suggest determining the appeal other than in accordance with it. Accordingly, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR