

Appeal Decision

Site visit made on 4 September 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/A2280/D/24/3337768

**Ranscombe Farm, Ranscombe Farmhouse, Sundridge Hill, Cuxton,
Rochester, Medway ME2 1LA**

- 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 Ivan Kingsley Smith against the decision of Medway Council.
 - The application Ref is MC/23/250.
 - The development proposed was originally described as “removal of existing outbuilding and to be replaced by a single-storey annex”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out in the banner heading above is taken from the application form. However, it is clear from the plans and accompanying details, including the appeal form, that the development proposed would involve the removal of more than one outbuilding. I have determined the appeal on this basis.
3. Since the Council made its decision on the application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. A draft National Planning Policy Framework (draft Framework) was published in July 2024. As the proposed changes could affect the main issues in this case, the Council and the appellant were invited to make further comments and I have taken the responses received into account.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;

- the effect of the proposed development on the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty (AONB); and
- whether any harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

6. The site lies within the Green Belt identified under Policy BNE30 of the Medway Local Plan 2003 (LP). This sets out a general presumption against inappropriate development.
7. Paragraph 154 of the Framework lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. This includes 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 (paragraph 154(c)). It also includes the limited infilling or redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 154(g)).
8. The draft Framework includes some proposed changes to the exception under paragraph 154(g) and introduces an additional exception relating to development on grey belt land. However, as the draft document is currently subject to consultation, it carries very little weight.
9. The appeal site contains a large, detached house which has been substantially extended, including a long L-shaped extension providing garages and living accommodation approved in 2010 (planning application ref MC/08/1421). Further, additional single and two storey extensions granted permission in 2019 are under construction (planning application ref MC/19/1514). The proposed scheme would replace two portacabins with a residential annex.
10. In a case relating to an appeal decision in Warwick¹, the High Court found that an extension for the purposes of paragraph 154(c) can include structures which are physically detached from the building of which they are an extension². Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree.
11. The proposed annex would contain a kitchen/living/dining room, bathroom and bedroom with dormers to the loft space. It is designed to provide living space for an elderly family member with the loft providing storage for the main dwelling. Whilst there would be no subdivision of the plot, the proposed structure would provide self-contained accommodation in a substantial sized detached building some distance from the original dwelling. Taking these factors into account, the proposal would not be an extension to the building

¹ Appeal ref: APP/T3725/D/21/3278974

² Warwick DC v SSLUHC, Mr J Storer and Mrs A Lowe [2022] EWHC 2145 (Admin)

and thus would not constitute an exception as set out under paragraph 154(c) of the Framework.

12. The Framework defines previously developed land as that which is occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It excludes land in built-up areas such as residential gardens. As the land proposed for the annex appears to form part of the curtilage for the house and is not in a built-up area, the site could constitute previously developed land. The impact of the development on the openness of the Green Belt is considered below.

Effect of the proposal on openness

13. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
14. The appeal site lies in the countryside, accessed via Ranscombe Farm nature reserve, with the North Downs Way national trail running along the southern boundary. The site comprises the grounds of a large two storey extended farmhouse. There are two portacabins located to the north of the house. The western part of the site contains some boundary planting, but the extended dwelling is clearly visible from the public right of way.
15. The evidence indicates that the existing portacabins have been on the site for a long time. Nevertheless, they are temporary rather than permanent structures and one is in a significant state of decay. The proposal is to replace the portacabins with an annex which would be higher and have a larger footprint than the existing structures. The introduction of a large, permanent building would inevitably lead to a loss of spatial openness.
16. The proposed development would be visible through the gap in the trees from the North Downs Way. Thus, the increase in permanent, built development would also erode visual openness.
17. The appellant refers to the Council's approval of nine prefabricated buildings on the nature reserve (planning application ref MC/18/1328). These were justified based on the recreational use and need to manage the reserve. As such, they are not comparable to the proposed residential annex.
18. As there would be a demonstrable loss of openness, in both visual and spatial terms, it follows that the proposal would not fall within the exception in paragraph 154(g) of the Framework. Therefore, it would be inappropriate development in the Green Belt and would conflict with LP Policy BNE30 and the Framework.

Character and appearance

19. The existing dwelling has a traditional style L-shaped extension with a steeply pitched roof and small dormers. The site is within the Kent Downs AONB where great weight should be given to conserving and enhancing landscape and scenic beauty in accordance with the Framework. This part of

the AONB is characterised by ancient woodland, tree belts and arable land within a rolling downland landscape with some traditional farm buildings. As a traditional style property, the extended farmhouse positively contributes to the landscape and scenic beauty of the AONB. It also lies in the North Downs Special Landscape Area (SLA) which is contiguous with the AONB.

20. The proposed scheme would significantly increase the amount of permanent built floorspace on the site. However, it would replace two unsightly portacabins with a structure in a similar height, design and finishing materials to the existing extension, creating a traditional courtyard building style and arrangement. As such, it would conserve and enhance the landscape and scenic beauty of the AONB and the natural beauty of the SLA and be in keeping with its rural location.
21. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the Kent Downs AONB. It would accord with Policies BNE1, BNE25, BNE32 and BNE33 of the LP where they seek to conserve the natural beauty of the AONB and SLA and require developments to maintain local character.

Other considerations

22. The appellant asserts that the annex would be occupied by an elderly family member who requires care and support from family and carers to maintain an independent lifestyle and avoid moving to a residential institution. I must take it that a refusal of permission for the annex would cause negative impacts on the family member from not being able to live close to the appellant and his house. However, there is no evidence outlining why the existing sizeable extended farmhouse building could not provide suitable accommodation for the family member. Consequently, I can only attach moderate weight to the need for an annex for an elderly family member as a consideration in favour of a grant of permission.

Whether there would be Very Special Circumstances

23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed annex would be inappropriate development in the Green Belt. Substantial weight should be given to the harm caused to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. The need for an annex for an elderly family member carries moderate weight and the absence of harm to the character and appearance of the area attracts neutral weight. Therefore, the other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the very special circumstances necessary to justify the proposed development do not exist.
25. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal scheme would outweigh its benefits in terms of eliminating discrimination against a person with the

protected characteristic of age, advancing equality of opportunity for that person and fostering good relations between them and others.

Conclusion

26. For the above reasons, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

A Wright

INSPECTOR