

Appeal Decision

Site visit made on 13 August 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/G2245/W/24/3336446

Land off Main Road, Knockholt, Kent TN14 7JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission in principle.
 - The appeal is made by Mr Barry Carey against the decision of Sevenoaks District Council.
 - The application Ref is 23/02876/PIP.
 - The development proposed is erection of up to 3 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst the Written Ministerial Statement (WMS) is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. Both main parties have had the opportunity to comment on the implications of the consultation and I have taken into account the responses received.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

5. When considering a permission in principle application, regard must be had to the provisions of the development plan and any other material considerations, such as the Framework.

Main Issues

6. The main issues are whether the appeal site is suitable in principle for residential development, having regard to its location, the proposed land use, and the amount of development, with respect to:
 - 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 proposal on the openness of the Green Belt,
 - the effect of the proposal on highway safety, and;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

7. The appeal site is within the Green Belt. Policy LO 1 of the Core Strategy 2011 (the Core Strategy) sets out that development will be focused within the built confines of existing settlements and development will only take place where it is compatible with the policies for protecting the Green Belt. Policy LO 8 of the Core Strategy states that the extent of the Green Belt will be maintained. These policies are broadly consistent with the Framework.
8. Paragraph 154 of the Framework sets out that new buildings in the Green Belt are inappropriate development unless they fall within a list of exceptions. One of these exceptions listed at part e) is limited infilling in villages.
9. The appeal site relates to a parcel of land with access from Main Road between two houses. The site is adjoined by the gardens of the houses that front Main Road and Pound Lane and the curtilage of Ringfield Cottage, with a considerable distance from the cottage itself. It is relatively secluded from the surrounding area due to its backland location. The site is outside of a settlement boundary as defined on the proposals map within the Allocations and Development Management Plan 2015 (the Development Management Plan). However, a defined village boundary in a development plan is not conclusive in determining whether a site is within a village or not. This is also established in the Badger Mount² decision.
10. By virtue of its relatively open and undeveloped nature with heavy vegetation and tree coverage, the appeal site does have a noticeably different character to the development within the village which is typically characterised by built-up development that largely displays closer spacing and follows a ribbon pattern of development. The appeal site marks the edge of the village, beyond which the character of the area changes to the development within the Green

² Appeal Ref: APP/G2245/W/22/3297714

Belt boundary that generally has a looser urban grain with wide gaps between groups of buildings and open fields.

11. Although the access to the appeal site is within the village and it is close to the village boundary, because of its backland nature and tucked-away positioning, it appears as visually and functionally detached from the village. It is different to the gardens of the surrounding housing as these form part of the residential curtilage of the housing within the village whereas the appeal site does not.
12. Whilst the appeal site is not linked to the more open land in the Green Belt, given the situation on the ground, because of its characteristics described above, it has a greater affinity with the surrounding Green Belt than the built-up form of the village, despite its closeness to the village boundary.
13. The Council's Supplementary Planning Document: Development in the Green Belt 2015 (the SPD) sets out that where a change of character is not apparent between the defined settlement and development within the adjoining Green Belt, there may be circumstances where infill development is appropriate in the Green Belt, provided the purposes of the Green Belt would not be compromised.
14. From my observations on the ground, the settlement boundary marks the edge of the village where there is a change in character. Even if I were to accept the appellant's interpretation of how the proposal should be assessed against the SPD, there is a very clear change in character between the village and the appeal site and the village boundary reflects this distinct change. As such, this would not be a circumstance where infill development would be supported by the SPD. This is regardless of whether the proposal would compromise the purposes of the Green Belt.
15. As a result of the above considerations which have considered both the Council's SPD as well as the physical relationship and characteristics of the appeal site, the site is not a suitable site for infill development and the proposal would therefore not represent limited infilling in a village. Consequently, it would not meet the exception listed at part e) of paragraph 154 of the Framework.
16. For these reasons, I conclude that the proposal would be inappropriate development in the Green Belt. Accordingly, the appeal site is not suitable in principle for residential development, having regard to its location and the proposed land use and would therefore conflict with Policies LO 1 and LO 8 of the Core Strategy and the SPD.

Openness

17. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has a visual and a spatial aspect. It is also possible that a development which would harm openness can be acceptable visually and vice versa.

18. The appellant's statement of case is supported by appeal decisions at land to the rear of 83-89 Yester Road³ and land south of 1 North Town⁴ which also relate to permission in principle applications. In both of these cases, the Inspectors found that the detailed design of the proposal and its context with its surroundings would be a matter for the technical details consent stage. Neither of these cases appears to be in the Green Belt and the assessment on openness was not considered. These cases are therefore different to the appeal scheme.
19. Arrangement, size and design are ultimately matters for the technical details consent stage. Notwithstanding this, the appeal site is free from development. Erecting 1 – 3 houses would introduce new built form into the Green Belt where there is presently none. This would therefore result in a spatial loss of openness. Although the appeal site is not readily seen from public vantage points, it can be seen from some of the surrounding residential properties. Introducing built form would therefore also result in a visual loss of openness.
20. Even if I were to accept that the appeal site can accommodate up to 3 houses based on its size and the density would not be uncharacteristic of the area, this would not justify the visual and spatial loss of openness.
21. Notwithstanding the findings of a previous Green Belt Assessment⁵, as the appeal site is enclosed by residential curtilages, I do not consider that it has the characteristics to be classed as countryside, for the purposes of the Framework. In this regard, the proposal would not result in encroachment into the countryside and would not conflict with the purposes of including land within the Green Belt. However, this does not detract from my overall findings that the development would cause harm to the openness of the Green Belt.
22. Whilst I appreciate that this is part one of the permission in principle process, building a minimum of 1 house and a maximum of 3 houses on this undeveloped site, would cause adverse harm to the openness of the Green Belt. Accordingly, the appeal site is not suitable in principle for residential development, having regard to the amount of development and would therefore conflict with the objectives of the Framework in keeping Green Belt land permanently open.

Highway safety

23. The appeal site has a connection to the highway via the access from Main Road. The Council and a third party have raised highway safety concerns over the use of this access. The comments from the Highway Authority in regard to the distance between the houses and the highway, the width of the access route to allow two-way traffic control and the suggested traffic control mechanism are largely based on the site plan within the Design and Access Statement. However, this plan is marked as indicative.
24. The information provided with the application in terms of the access arrangements is limited, however, this is commensurate with the nature of the planning in principle stage process. Aspects in relation to access, parking and highway safety are therefore more appropriately determined as part of

³ Appeal Ref: APP/G5180/W/23/3314017

⁴ Appeal Ref: APP/W1145/W/21/3269210

⁵ Green Belt Assessment Report: Methodology and Assessment 251351-4-05-01 Issue January 2017

the technical details consent stage. This is consistent with the Inspectors in the land to the rear of 83-89 Yester Road and land south of 1 North Town cases.

25. Based on the evidence before me, and under the terms of this type of application, I am unable to conclude that the location, land use and amount of development, would conflict with Policy EN1 of the Development Management Plan which amongst other things, requires proposals to ensure satisfactory means of access for vehicles and pedestrians. In this regard, the proposal would not conflict with paragraph 115 of the Framework insofar as it states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other considerations

26. The proposal could provide 1 – 3 houses and would be supported by parts of the Framework with regard to boosting the supply of homes. It would also support the Government's objective of building homes the country needs which is spelt out in the recently published WMS. As this is a small site, it could be delivered quickly. There could also be some economic and social benefits. However, these benefits are given limited weight because there is no guarantee that just because the permission in principle has been granted, the technical details consent will follow. It takes approval of both stages for a planning permission to be secured.
27. Whilst the government has proposed changes to the Framework to introduce the concept of grey belt, this is only at the consultation stage. This does not alter the current policy position in the Framework relating to the types of development that are not inappropriate. I therefore afford this limited weight.
28. The impact of the proposal on highway safety would be a neutral consideration and does not weigh in support or against the proposal.

Planning and Green Belt balance

29. As a result of its location, the proposed land use, and the amount of development, the appeal site is not suitable in principle for residential development, and the proposal would be inappropriate development in the Green Belt by the terms set out by the Framework. In addition, there would be adverse harm to the openness of the Green Belt. As required by the Framework, substantial weight must be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
30. In taking all factors into consideration relating to this appeal, the weight afforded to other considerations in support of the appeal would not, either individually or collectively, clearly outweigh the substantial weight given to the Green Belt harm. Consequently, the very special circumstances required to justify a grant of permission in principle have not been demonstrated.
31. The proposal conflicts with Policies LO 1 and LO 8 of the Core Strategy, the SPD and the Framework.

32. The Council is unable to demonstrate a five-year supply of deliverable housing sites. However, in light of the provisions of footnote 7, paragraph 11 (d)(i) of the Framework, the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. As there would be harm to the Green Belt, the presumption in favour of sustainable development, as set out in the Framework, does therefore not apply.

Conclusion

33. For the reasons set out above, the appeal site is not suitable in principle for residential development. The proposal, as a permission in principle, conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR