



Appeal Decision

Site visit made on 22 August 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/G2245/W/23/3334985

Washneys, Washneys Road, Orpington, Kent, BR6 7NZ

- 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 Chris Bushby against the decision of Sevenoaks District Council.
 - The application Ref is 22/02497.
 - The development proposed is described as "demolition of existing buildings, removal of existing structures and hardstanding, cessation of existing lawful car breakers yard and erection of two dwellings with parking, landscaping and tree planting."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. I invited the parties to consider whether the proposed reforms had relevance to this appeal and have taken account of their responses in my decision.

Main Issues

3. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the landscape;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development and Openness

4. The appeal site comprises an area of land currently comprising a number of buildings, storage containers, lorry backs, caravans and general material associated with the historic use of the site as a breakers yard. During my site

visit material was being broken up at the site and I saw piles of material and rubble. The appeal site is bound to the north, east and south by mature hedgerow and trees and to the west by existing built development comprising residential buildings, barns, and associated structures. Beyond the hedgerow to the north lies a residential dwelling, with agricultural land located beyond the hedgerow to the east and south.

5. The site lies in the Green Belt and the main parties agree it is previously developed land. Paragraph 154 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a number of exceptions. One such exception is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). This exception is qualified by two requirements. Only the first is relevant to this appeal: that such redevelopment would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy L08 of the Sevenoaks District Council Core Strategy (2011) (CS) states that the extent of the Green Belt will be maintained and that the maintenance and diversification of the rural economy, including development for agriculture, forestry, small scale business development and rural tourism projects, and the vitality of local communities will be supported provided it is compatible with policies for protecting the Green Belt. The Council's Supplementary Planning Document: Development in the Green Belt (2015) (SPD) provides further guidance on the redevelopment of previously developed land. It states that it is generally expected that redevelopment proposals have no greater impact than existing development on the openness of the Green Belt; does not exceed the height of existing buildings; and does not occupy a larger area of the site than the existing buildings.
7. Temporary structures and buildings are excluded from the exception noted in Paragraph 154 of the Framework, as such I do not consider them when comparing the footprint and volume of existing and proposed structures on the site. The Council's submission details that the proposed development would result in an increase in the footprint of the permanent buildings on site, from 153 square metres to 549 square metres. The volume would increase from approximately 376 cubic metres to 1836 cubic metres. The tallest existing building to be lost on site is also a lower height than the proposed development.
8. I disregarded the storage containers, lorry back, caravans and general material on the site in terms of comparing the existing and proposed footprint and volumes. But I do not disregard them in terms of their visual impact on the Green Belt. As explained above, these structures and materials are part of the historic/current use of the site. Their location extends further east than the eastern-most extent of the appeal site and are located within the 'blue land' noted on the site location plan. This includes an area of stores that would also be removed as part of the landscaping scheme.
9. The proposed dwellings would be taller and larger than the existing buildings to be demolished. They would inevitably have a greater visual presence. They would consolidate the existing built form in to two dwellings and one dwelling would be located centrally within the site, whereas most of the existing structures are located along the northern boundary. They would also be

bulkier (i.e. have a greater volume) and be more solid than the existing buildings on the site. The proposed dwellings may also have domestic paraphernalia in their gardens.

10. Whilst the site as a whole would be tidier and less cluttered, the proposed dwellings would still appear visually bulkier and larger than the existing structures. Furthermore, one of the dwellings would be located in an area currently devoid of permanent structures, therefore spreading the permanent built form across the site. All these factors convince me that there would not be an improvement to the openness of the site.
11. In summary, for the above reasons, I conclude that due to the increase in volume and increased height of the proposed dwellings compared to the existing buildings, the proposed development would have a greater impact on the openness of the Green Belt than existing development on the site. Consequently, it would be inappropriate development within the Green Belt. It would therefore not comply with Paragraph 154 of the Framework, CS Policy L08 and the guidance contained within the SPD.

Character and Appearance

12. As noted above the appeal site is located in an area of open countryside and within the Green Belt. It currently comprises a number of structures, storage containers, lorry back and caravans, along with various materials across the site. Whilst the appeal site itself has a commercial appearance, the surrounding agricultural fields combined with the mature boundary treatments, gives the area a rural character.
13. The commercial activities at the site combined with the dilapidated appearance of many of the structures and storage units means that the appeal site does not positively contribute to the character and appearance of the area. However, the structures on the site are small scale, relatively low in height, and mostly located along a boundary hedgerow. This means that both permanent and temporary structures are not readily appreciable in long range views of the appeal site, or in glimpses down the access road and from nearby footpaths.
14. The construction of contemporary 1.5 storey dwellings, would add a height and bulk to the site which currently does not exist. Whilst there would be additional landscaping, including in the area to the east of the appeal site, this would be low level and would not screen the dwellings from views from the wider area, access road and nearby footpaths. Whilst the use of timber cladding and metal seam roof would echo materials in nearby buildings, the creation of a small cluster of dwellings with a formal access road and parking would urbanise an area with a rural character.
15. Whilst there would be potential improvements to the character of the area in terms of tidying up the site, I am not convinced that the proposed development is the only mechanism to achieve this.
16. As such, the proposal would be contrary to CS Policies L08 and SP1 and Policy EN1 of the Sevenoaks Allocation and Development Management Plan (2015) (SADMP) which seeks, amongst other things, that new development should be designed to a high quality and should respond to the distinctive local character

of the area. The proposal would also not comply with Paragraph 135 of the Framework which seeks good design sympathetic to local character.

Other Considerations

17. The proposed development would improve the appearance of a commercial site. It would also provide two dwellings in a location where the Council cannot demonstrate a 5-year housing land supply.
18. The appellant notes that the use of the site as a car breakers yard could resume, and the use has intensified in recent years, bringing with it highway movements which could harm highway safety.
19. The appellant also asserts that the landscaping scheme would provide enhancements in terms of ecology and biodiversity.

Green Belt Balance

20. The proposal would be inappropriate development in the Green Belt, which, by definition, is harmful. To this must be added further harm arising from the loss of openness, and from being contrary to the purposes of including land within the Green Belt. Paragraph 153 of the Framework indicates that any harm to the Green Belt should be given substantial weight.
21. I have already found that, whilst the proposed development would aid in tidying up the site and improving its visual appearance, this would not be sufficient to outweigh the harm in terms of character and appearance. As such this is neutral in my consideration.
22. The appellant disagrees with the previous Inspectors¹ view on the recommencement of the car breakers yard, and I did see some work being undertaken during my site visit. Whilst the use has recently intensified on the site, during my site visit this appeared limited to the breaking of material with a machine and storing within existing structures. Furthermore, the appellant has stated that the car breakers use could fully recommence with no need for investment, as such existing buildings and storage units would be utilised and no additional structures would be brought on to site. Whilst the commercial use could remain, its impact on the openness of the Green Belt would be the same, and therefore not more harmful than the proposed development, as I have concluded above. I therefore afford this limited weight.
23. Whilst the recommencement of the car breakers use may lead to additional traffic, it is likely that the proposed development would also generate traffic, with people commuting to work and school and receiving post and deliveries. I have not been provided with any assessment of the traffic movements associated with the car breakers use but agree that larger vehicles may utilise the highway network, which is narrow and could cause some conflict with highway users. I therefore afford this moderate weight.
24. The Council cannot demonstrate a 5-year supply of housing as such the policies which are most important for determining the application are out of date. Whilst the proposed development would provide additional house, along with the socio-economic benefits relating to their construction and occupancy. The

¹ APP/G2245/W/19/3227686

benefits would however be limited due to the small-scale nature of the proposed development. I can only therefore afford this moderate weight.

25. These other considerations are not of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and Green Belt purpose. As a result, very special circumstances do not exist.

Conclusion

26. For the above reasons, the appeal should be dismissed.

Tamsin Law

INSPECTOR