



Appeal Decision

Site visit made on 17 September 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Ref: APP/H2265/D/23/3334877

The Hollies, Dux Lane, Plaxtol, Sevenoaks TN15 0RB

- 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 David Clarke against the decision of Tonbridge and Malling Borough Council.
- The application reference is TM/23/01575/FL.
- The development proposed is the erection of an oak-framed garage.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an oak-framed garage at The Hollies, Dux Lane, Sevenoaks TN15 0RB in accordance with the terms of the application reference TM/23/01575/FL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - Site plan (plan reference TQRQM23204170106019, 23 Jul 2023)
 - Plan and elevations (drawing No 55311.23.01 Rev A, 09.06.23)
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing No 55311.23.01 Rev A.

Preliminary Matters

2. The proposed development was described on the planning application form as "to replace previously demolished garage with oak framed garage". I have omitted the reference to the previous garage as, although it is not clear precisely when that was removed, it is not there now; the proposed development is not a replacement building as far as determining this appeal is concerned. I have therefore used a simpler description in the banner heading and my formal decision above.

Main Issues

3. The appeal site lies within the Green Belt, and accordingly I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies, and its effects on the openness of the Green Belt; and

- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

4. The Hollies is a two-storey semi-detached house at the eastern end of a small cluster of properties on Dux Lane in the countryside outside the village of Plaxtol. It is within the Metropolitan Green Belt and the Kent Downs National Landscape ("the KDNL")¹ – I return to the KDNL in the "other matters" section below. The proposed development is the erection of a detached oak-framed garage in the rear garden.
5. The Government attaches great importance to Green Belts and the fundamental aim of national Green Belt policy, as set out in the Framework, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy CP3 of the 2007 Tonbridge and Malling Core Strategy ("the TMCS") states that "national Green Belt policy will be applied generally to the west of the A228", an area which includes the appeal site.
6. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 154 c), 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".
7. The Framework does not specify either in relative or absolute terms what might be considered a disproportionate addition, nor have I been made aware of any local policy or guidance which does so. It is therefore a matter of planning judgement depending on the circumstances of each case. The "original building" is defined in the Framework's glossary (Annex 2) as being the "building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". It is generally accepted that, in the context of applying national Green Belt policy, that "extensions" *may* include structures which are physically detached from the "main" building with which they are associated, though whether a particular outbuilding *should* be considered an extension is a matter of fact and degree in each case.
8. The "original building" – that is, the dwellinghouse itself – has a two-storey side extension which was added following a grant of planning permission in 1996 (LPA ref: TM/96/00972/FL). I have not been provided with any details of the floorspace or volume which that extension added to the original house, though I was able to see it during my site visit; it is a sympathetic addition, entirely in keeping with the form and materials of the original building. The Hollies' semi-detached "twin" has had a similar (though not identical) extension added to its western end, so that the pair as a whole remains well-balanced and well-proportioned.

¹ Previously National Landscapes were known as Areas of Outstanding Natural Beauty, and the previous title still appears in legislation and guidance.

9. The proposed garage would have a footprint of around 4.1m by 4.6m, with eaves around 2.1m high and an overall ridge height of around 4.6m. As the previous garage has already been demolished the scheme would introduce a new building where currently there is none. However, it would be reasonably close to the main dwelling, so there would be a clear spatial and visual relationship between the garage and the existing house; it is therefore sensible to regard the garage as an extension to the dwelling.
10. The garage would not be excessively large for its intended role, and it would not dominate the house or lead to the plot taking on a crowded or overdeveloped appearance. The building would be sympathetically designed with an oak framework and softwood weatherboarding above a shallow brick plinth, and with a half hipped roof of plain clay tiles; it would be an attractive addition to an area where I saw that detached garages are a common feature of residential properties.
11. Taking all of these points together, even with the existing side extension which has been added to The Hollies, I conclude that the proposed garage would not represent a disproportionate addition, and would fall within the exception set out in Paragraph 154 c) of the Framework. It would also comply with Policy CP3 of the TMCS in this regard. I therefore conclude that the proposal would not be inappropriate development in the Green Belt.

Openness of the Green Belt, very special circumstances

12. As I have found that the proposed development would not be inappropriate development in the Green Belt in the terms set out in Paragraph 154 of the Framework, it is not necessary for me to assess its effects on the openness of the Green Belt, or whether there are very special circumstances which might otherwise justify the proposal.

Other Matters

13. The Framework emphasises at Paragraph 182 the importance of conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty, and there is a statutory duty on "relevant authorities" to seek to further the purpose of conserving and enhancing the natural beauty of those areas².
14. The Council's officer report commented that the development would "fail to conserve or enhance the natural beauty of the AONB". However, that comment was made in passing; the officer report gave no further reasoning explaining any possible harm to either the KDNL, or to the character and appearance of the area more generally, and it was not mentioned in the Council's decision notice. The proposed garage would replace a concrete slab where an earlier garage stood, and as I have set out in paragraph 10 above, I consider that it would be sympathetically designed and use appropriate materials for the area. I am satisfied that the landscape and scenic beauty of the KDNL would be conserved.

² Section 85 of the Countryside and Rights of Way Act 2000, as amended on 26 December 2023 by section 245 of the Levelling-up and Regeneration Act 2023

Conditions

15. I have considered the conditions suggested by the Council in the light of the Framework and advice in the Planning Practice Guidance. Where necessary I have altered the proposed wording in the interests of clarity and effectiveness.
16. As well as the standard time limit condition (1) I have specified the approved plans to provide certainty (2). I have imposed a condition relating to materials to protect the character and appearance of the area, though I have referred to the submitted drawing where materials were specified rather requiring that they match the existing dwelling (which has brick rather than timber walls) (3).

Conclusion

17. The proposed garage would not be inappropriate development in the Green Belt, and no other harm has been identified which would justify refusing planning permission. The appeal is therefore allowed.

M Cryan

Inspector