

Appeal Decision

Site visit made on 10 September 2024

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/G2245/D/24/3344397

Willow Cottage, How Green Lane, Hever, Edenbridge, Kent, TN8 7NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Hadley against the decision of Sevenoaks District Council.
 - The application Ref 23/03317/HOUSE, dated 14 November 2023, was refused by notice dated 13 March 2024.
 - The development was described as 'retention of existing open forestry store to include introduction of front roller shutter door'.
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Preliminary matters

1. The drawings and submissions explain the building that exists on site at the time of the planning application, and that I saw at my site visit, was partly complete and permission is sought to retain that building and carry out further works, including the installation of a door. The description of the development set out on the Council's decision notice is more precise, and that description is also set out on the appeal form. I will proceed on this basis, namely the erection of a forestry building and a new roller shutter door.

Decision

2. The appeal is dismissed.

Main issues

3. The main issue is whether the development amounts to inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, effect on the openness and, if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the development.

Reasons

4. The appeal site lies within the Metropolitan Green Belt. The development plan for the area is the Sevenoaks Core Strategy 2011 (CS) and the Sevenoaks Allocations and Development Management Plan 2015 (DMP). The development is an outbuilding within the curtilage of the dwelling.
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5. The Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this are listed in paragraph 154 of the Framework and that list does not include outbuildings to dwellings as contained in the current appeal. Thus, the Framework sees the development as inappropriate development and I attach significant weight to this matter, since it is a statement of national policy that is more up to date than the development plan.
6. However, the development plan does allow for outbuildings in certain circumstances and it is necessary to appraise the scheme against the relevant policies. Policy GB3 of the DMP sets out the matters to be considered when assessing proposals for outbuildings. Further guidance on the interpretation of this Policy is contained in the Council's 'Development in the Green Belt Supplementary Planning Document 2015' (SPD). The SPD also refers to Policy GB5 of the DMP which sets out the Council's approach to outbuildings at dwellings within the Green Belt which have been permitted on the grounds of very special circumstances.
7. The appeal property has been built following the grant of planning permission for two dwellings on the site, which saw the demolition and replacement of a previous dwelling and other buildings (ref. 21/00967/FUL). The Council have provided the Delegated Report for that permission and it is stated that the development was allowed on the basis of very special circumstances. The permission was subject to a condition that removed permitted development rights, and this was to preserve the openness of the Green Belt as the replacement dwelling increased floor space by 106% over the original floor space.
8. Policy GB5 states that where dwellings are permitted in the Green Belt on grounds of very special circumstances the Council will remove permitted development rights for outbuildings. The Policy continues to say that applications to erect outbuildings to dwellings that have been permitted on the grounds of very special circumstances will not be permitted. It is apparent to me that the permitted development rights were removed at the appeal property on the basis of there being very special circumstances to justify the scale of increase in floor space. The outbuilding further increases built development at the site and this is contrary to Policy GB5.
9. Notwithstanding the above findings, I have also considered the development against Policy GB3 of the DMP and the guidance on this Policy contained in the SPD. These permit outbuildings where the design and cumulative impact would not materially harm the openness of the Green Belt. Pursuant to this objective the SPD sets out a restriction of 40sqm. The SPD also requires proposals to not dominate the dwelling or setting, and to be of a scale reasonably expected for the function of the building, with outbuildings for domestic purposes not normally exceeding a single storey or have excessive volume.
10. The appellant states the size is required due to the building being used to store vehicles to upkeep their land, store logs for the dwelling, and to store vehicles associated with the appellant's forestry and woodland business (which also accounts for the height of the building). The development was thus described as a 'hybrid' proposal to accommodate both domestic use and the appellant's business.

11. It is clear Policy GB3 and the SPD seek to minimise the impact of outbuildings on the openness of the Green Belt by restricting their size, scale and function to that related to purposes ancillary to the main dwelling. The outbuilding has a floor area of 68sqm. At 70% over the general limit set out in the SPD, this is a considerable increase over what the Council sees as the scale of development which will represent compliance with Policy GB3. It is evident that the building the subject of this appeal does not derive solely from being an ancillary residential outbuilding, but that the size, scale and function is partly driven by the desire to accommodate commercial activities. This leads to the building being substantially larger in floorspace than set out in the provisions of the SPD, and with a considerable height to the building. In my judgement the size and scale of the building lead to a development that is materially harmful to the openness of the Green Belt due to the excessive bulk.
12. The appellant states that a single larger building is more desirable than an alternative of a number of smaller buildings on the site. I do not accept the appellant's submission that the erection of a number of smaller buildings would be acceptable in principle: any such building would have to be considered in relation to Policy GB3, the SPD and having regard to the planning history of the site with regards to the planning condition removing permitted development rights and Policy GB5, along with the Framework. Thus, I do not consider alternative forms of outbuildings on the site to represent a clear fallback position for the appellant, and so attach little weight to that argument.
13. The appellant states that a forestry building could be erected on land outside their residential curtilage, and has drawn attention to a case at Girdle Cottage to support this claim. The Delegated Report for that case explains the permitted building was to be used for an agricultural and forestry use in connection with management of 4ha of grazed pasture land with 54 sheep, and 1.85ha of woodland, with the proposal having been assessed by a rural adviser as suited to that agricultural/woodland management. This is different to the current development, and so I place no weight on that case in support of the appeal.
14. I conclude that the outbuilding is inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Policies GP5 and GP3 of the DMP, and the SPD. attach substantial weight to this harm.
15. The outbuilding leads to a material reduction in the openness of the Green Belt due to its size, scale and bulk. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. The development directly contravenes this purpose and lead to substantial harm to openness.

Other considerations

16. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The appellant explains the size of the outbuilding enables management of the land at the property, along with storage of vehicles associated with the

woodland business, and that there is the ability to store logs arising from that woodland work to be used at the dwelling. I appreciate this arrangement would be helpful to the appellant, but I must balance this against the harm that the building consequently causes. I attach limited weight to this matter.

Planning balance

18. I have assessed this appeal on the basis of its consistency with the development plan, the Framework and other material considerations. I do not consider the matters raised in support of the development to clearly outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness, the harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. For the reasons given, the conflict with national and local planning policy means that the appeal fails.

C J Leigh
INSPECTOR