



Appeal Decision

Site visit made on 17 October 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2024

Appeal Ref: APP/H2265/W/24/3338830

Bourne House, 163 Tonbridge Road, Little Mill, East Peckham TN12 5JP

- 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 Michael Hall against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is 23/03173/HH.
 - The development proposed is described as "construction of a timber, tile two bay cart lodge with access from the existing driveway. The proposed two bay cart lodge will be depth 5.3m x 5.6m width and a height of 3.9m (see image) and will use wooden slatted walls (treated) and grey slate tiles. There will be no windows or doors."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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. The appellant responded and I have taken this into account in my decision.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - whether the proposal would preserve or enhance the character or appearance of the Little Mill East Peckham Conservation Area; and
 - whether any harm to the Green Belt 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

Whether the proposal would be inappropriate development

4. The appeal site lies within the Green Belt identified under Policy CP3 of the Council's Core Strategy 2007 (CS). Although there is no reference to Little Mill in either the Council's Green Belt study or Policy CP3, as the site is within the Green Belt, this policy is applicable to the proposal. Policy CP3 states that national Green Belt policy will be applied.

5. Paragraph 154 of the National Planning Policy Framework 2023 (the Framework) lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. This includes limiting infilling in villages (paragraph 154(e)) and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on openness than the existing development (paragraph 154(g)).
6. The draft Framework includes some proposed changes to the assessment of openness for the exception under paragraph 154(g) and introduces an additional exception relating to development on grey belt land, a definition for which is set out. However, as the feedback from the recent consultation on the draft document is currently being analysed, it carries very little weight.
7. In a previous appeal for a dwelling on the site¹, an Inspector found that the appeal site was not part of a village and so the proposed residential development was not limited infilling in a village. The appellant has not sought to dispute the Council's claims that the current proposal would also not be limited infilling in a village. Therefore, I find the proposal would not comply with the exception in paragraph 154(e) of the Framework.
8. There is no dispute that the site comprises previously developed land, so it is necessary to consider the impact of the proposed scheme on openness. 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.
9. The appeal site lies adjacent to Tonbridge Road. It is predominantly grassed with a green and rural backdrop, though part of the site comprises hardstanding used for parking vehicles and there is a timber shed in the north west corner, adjacent to a tall boundary hedge. The remaining boundaries are largely formed of low hedges and timber post and rail fences, with an opening for vehicular access from the road.
10. The proposal is for a new building, located centrally within the site, adjacent to part of the hardstanding. Although it would only cover a small proportion of the site, the proposed cart lodge would result in built development where currently there is none. Despite the modest footprint and height of the proposed structure, the introduction of a permanent building in the centre of this relatively open site would inevitably lead to a loss of spatial openness.
11. The proposed building would exceed the height of the existing roadside and southern boundary hedges. Due to this and the vehicular access gap in the roadside landscaping, there would be clear views of the cart lodge from Tonbridge Road. The structure would also be visible from neighbouring properties. As such, there would be an appreciable perception that the openness of the Green Belt had been eroded.
12. Accordingly, the proposal would have a greater impact on the openness of the Green Belt than the existing development and would not fall within the exception in paragraph 154(g) of the Framework. Therefore, it would be inappropriate development in the Green Belt and, as such, would harm the Green Belt.

¹ Appeal ref: APP/H2265/W/22/3312356 'the previous scheme'

Character and appearance

13. The historic significance of the Little Mill East Peckham Conservation Area (CA) as a designated heritage asset derives from its green and rural nature of detached dwellings and terraced cottages with generously sized gardens, sections of open land and the River Bourne which dissects it. The CA is centred on a 17th century mill complex and there is a diverse range of historic buildings. The Inspector considering the previous scheme found that the site, through being clear of built development, offers a sense of space and a clear connection to the CA's wider verdant rural surroundings. As such, it makes a positive contribution to the designated asset's character and appearance. Whilst there is now a timber shed in a rear corner of the site, it is still largely undeveloped, and I agree with the previous Inspector's assessment of the site's contribution to the historic significance of the CA.
14. There is no dispute that purely in terms of its design and materials, the appearance of the proposed structure would be in keeping with the area. It would be similar to a cart lodge recently approved by the Council close by², located further from the road between existing buildings.
15. I acknowledge that there is an existing hardstanding parking area, and the proposal would provide the opportunity for cars to be parked within an appropriately designed building rather than in the open. However, due to the introduction of a centrally located building, the proposal would harmfully increase urbanisation and domestication of the site. It would interrupt the rural nature of this section of open land, adversely affecting the sense of space and connection of the site with its verdant rural surroundings. Although there are hedges around the site, the cart lodge would be evident above the roadside and southern boundary landscaping and through the access opening. It would be particularly prominent in views when travelling northbound along the road.
16. For the reasons set out and having regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial.
17. Paragraph 208 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset (in this case the CA) should be weighed against the public benefits of the proposed development. The cart lodge would make it safer for the appellant's family to enter and exit their cars, particularly during times of bad weather, which is a private benefit. Electric vehicle charging points contribute to carbon reduction and improving air quality and the building would provide the opportunity to house one. However, as this is not included in the proposed scheme, it cannot be considered a benefit of the proposed development. Therefore, there are no public benefits which provide a clear and convincing justification for the harm I have identified.
18. Overall, the proposal would fail to preserve or enhance the character or appearance of the CA. Whilst the relevant reason for refusal does not refer to any policies, Policy CP24 of the CS and Policy SQ1 of the Council's Managing Development and the Environment Development Plan Document 2010 are

² Planning application ref: 21/02957/FL 'recently approved cart lodge'

referred to in the Council's Planning Officer's Report. For the above reasons, the proposal would be contrary to Policies CP24 and SQ1 where they require development to conserve the character and local distinctiveness of the area, including its historical and architectural interest, and respect the site and its surroundings. The proposal would also conflict with the Framework and the legal duty set out in the LBCA Act.

Other considerations

19. The provision of a covered parking area would make it safer for ageing members of the appellant's family to enter and exit their cars during times of inclement weather. Whilst I am mindful of their needs, it has not been demonstrated that these cannot be met by a less harmful scheme. As such, I attribute only modest weight to this benefit.
20. There is a recently approved cart lodge nearby, clearly visible from the public realm. However, there are limited details outlining the Council's reasons for granting that permission, so I am not able to compare that scheme with the appeal proposal. Therefore, I give only modest weight to the presence of a similar building in the vicinity.

Whether there would be Very Special Circumstances

21. 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 cart lodge would be inappropriate development in the Green Belt. In addition, the proposal would fail to preserve or enhance the character and appearance of the CA.
22. 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.
23. I accord modest weight to the provision of a covered parking area for the appellant's family and to the recently approved cart lodge close by. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Thus, the very special circumstances necessary to justify the proposed development do not exist. As such, it would be contrary to Policy CP3 of the CS.

Conclusion

24. 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