



Appeal Decision

Site visit made on 15 November 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/G2245/W/24/3345553

Catahoula Fields, Eglantine Lane, Farningham, Kent DA4 9JL

- 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 Billa of Billa Scaffolding against the decision of Sevenoaks District Council.
 - The application Ref is 24/00264/FUL.
 - The development proposed is described as 'temporary part covered external storage facility with hardstanding for vehicular access and two containers'.
-

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. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which 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. This decision refers to the Framework published December 2023 unless stated otherwise.
3. I observed during my site visit that some of the proposed works were in situ and some elements were being removed. Nonetheless, the considerations of this appeal relate to the development described above and as shown on the supporting plans.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effects of the proposal on the character and appearance of the area, 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

Whether Inappropriate

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions in paragraph 154.
6. The exception to inappropriate development given in paragraph 154g) relates to the partial or complete redevelopment of previously developed land (PDL). The appellant considers the site could be PDL, given that an aerial photograph demonstrates some form of activity on the site previously. However, there is not evidence to suggest that the site conformed to the definition of PDL given by the Framework. In particular, there is not evidence to demonstrate that the land was occupied by a permanent structure, or that it was not used for excluded uses such as agriculture. Based on the information before me, the proposal would not conform to exception 154g). The appellant does not allege that the development should be considered under any other exception of paragraph 154 and neither do I consider any others to be applicable.
7. Other forms of development which are also not inappropriate in the Green Belt are listed in paragraph 155 of the Framework, of which some could be relevant to the proposal. Parts 155b) and 155e) relate to engineering operations and material changes in the use of land, subject to their impact on openness and the Green Belt purposes. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect¹.
8. As above, there is little evidence relating to the former condition of the land other than an undated aerial photograph. Despite appearing somewhat untidy, there does not appear to be structures or formal areas of hard surfacing on the site, and it would appear to maintain some open qualities. The proposal entails the provision of substantial storage structures of metal sheet elevations and roofs enclosing a large central courtyard. Together those structures would result in a substantial reduction in the spatial aspect of the Green Belt's openness. Despite being set at the ground level, the hard surfacing facilitates the use of the site by vehicles of varying sizes and the use of the compound for storage, which would similarly cause a substantial reduction in the spatial qualities of the Green Belt's openness when in use.
9. In terms of visual effects on openness, the appeal site is set back from the road behind other structures and is partially enclosed by the M20 embankment, which together reduce the visual effects of the proposal. Nonetheless, the raised level of the road results in the development being visible from Eglantine Lane and the development is also visible to varying degrees from a nearby public footpath. Therefore, the proposal would also result in moderate harm to the visual aspect of the Green Belt's openness.
10. For these reasons the development would not preserve the Green Belt's openness and it would conflict with the purposes of including land within it through encroachment into the countryside. The development does not,

¹ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

therefore, meet the exceptions to inappropriate development in paragraph 155.

11. For the reasons given, and in the absence of evidence to the contrary, the proposal would be inappropriate development in the Green Belt and would cause harm to the Green Belt's openness and the purposes of including land within it.

Character and Appearance

12. The appeal site is in a distinctly rural location, characterised by a patchwork of open fields and grassland, interspersed by hedgerows and patches of woodland. The steep embankment and raised carriageway of the M20 adjoin the appeal site to the south west. The Council refer to the Sevenoaks Landscape Character Assessment 2017, which identifies the local landscape character as comprising agriculture, paddocks and undulating fields. As above, there is little information relating to the former condition of the appeal site and, based on the aerial photograph, it appeared somewhat at odds with the surrounding open grassland through including bare soil and paraphernalia. Various low level structures and paraphernalia including boundary treatments also exist between the appeal site and the edge of the road.
13. The development would include substantial structures of utilitarian appearance and comprise modern engineered materials, heavily at odds with, and harmful to the open and verdant character of the area. Its visual effects would be apparent from Eglantine Lane as well as a nearby footpath and from those viewpoints the development would appear visually intrusive within the landscape and cause substantial harm to the character of the area. While the M20 provides a harsh engineered structure which cuts through the landscape, it is tightly contained and its visual effects reduced to some extent by the embankment planting. While the proximity of the appeal site to the M20 provides some visual screening in views from the west, it otherwise provides little mitigation or justification for the harmful visual effects of the development.
14. In conclusion on this main issue, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy EN1 of the Sevenoaks Allocations and Development Management Plan 2015 which requires, among other things, that proposals create high quality design and that the layout of development respects the topography and character of the site and the surrounding area. It also conflicts with the Framework insofar as it states that decisions should recognise the intrinsic character and beauty of the countryside, and that developments should be sympathetic to local character including landscape setting.

Other Considerations

15. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
16. The development has been found to be inappropriate by definition and harmful to the openness of the Green Belt. The Framework requires that substantial

weight is given to that harm. In addition, the development would cause harm to the character and appearance of the area, which I similarly give substantial weight.

17. The appellant has suggested conditions which could be used to restrict the use to two years and to secure a scheme of restoration to reinstate the land to its former condition. While this would limit the effects of the proposal to a two year period, the harm to the Green Belt and to the character of the area would nonetheless be substantial during that time. Neither are the circumstances described in the Planning Practice Guidance relating to the use of temporary permissions met here. For these reasons limited weight is given to this consideration. There may be some economic benefit associated with the development, and the Framework seeks to support a prosperous rural economy. Although there is little information surrounding the use, this attracts some weight in favour of the development.
18. I have also had regard to the consultation version of the Framework, which includes changes to its Green Belt section. However, given the extent of Green Belt harm identified and the contribution of the area to the Green Belt purposes set out by the Council, I am not convinced that the proposed changes to the Framework would weigh in favour of the development.
19. Overall, while acknowledging there would be some considerations which weigh in favour of the appeal scheme, together these do not amount to considerations of sufficient weight which would clearly outweigh the harm to the Green Belt and to the character and appearance of the area. As a consequence, the very special circumstances necessary to justify the development do not exist.

Other Matters

20. The Grade II Registered Park and Garden of Franks Hall lies further along Eglantine Lane to the north. Its listing describes it as comprising mid Victorian gardens and a small park laid out in the 1860s within the main lines of an Elizabethan and C17 scheme. It goes on to describe its rural location and that the park extends over the valley side and is partly retained under grass, with several clumps of surviving parkland trees. Given the set back of the appeal site from the boundary of the parkland and presence of intervening structures on the neighbouring site, the appeal scheme preserves the setting of the designated heritage asset.

Conclusion

21. For the reasons given, having regard to the development plan and other relevant material considerations including the Framework, the appeal is dismissed.

C Shearing

INSPECTOR