



Appeal Decision

Site visit made on 27 November 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2024

Appeal Ref: APP/H2265/D/24/3344537

Trogmarsh, Leigh Road, Hildenborough, Tonbridge, Kent TN11 9AH

- 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 James Hilburn against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/24/00282/PA.
 - The development proposed is to erect a two vehicle car port / carriage house in the front of the property to protect vehicles and enable safe electric vehicle car point.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, is 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

3. The appeal site lies within the Green Belt identified under Policy CP3 of the Council's Core Strategy 2007 (CS). This states that national Green Belt policy will be applied.
4. 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 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 (paragraph 154(c)). It also includes the limited infilling or redevelopment of previously developed land which would not have a greater impact on openness than the existing development (paragraph 154(g)).
5. An extension for the purposes of paragraph 154(c) can include structures which are physically detached from the building of which they are an extension. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. As the proposed car port

would be sited close to the existing house and used by its occupants, it could be considered as an extension under paragraph 154(c).

6. There is an existing bungalow on the site and there have been several extensions to the original building, including side and rear additions and a rear dormer. The Council granted planning permission for the conversion of the garage, a further single storey rear extension and a front dormer in 2023¹. The footprint of the original building is around 206sqm, the existing extensions amount to approximately 83sqm and the approved scheme will add about 44sqm to the size of the building.
7. The proposed car port would be sited forward of the bungalow, adding around a further 41sqm to the footprint and ranging from approximately 2.4m to 4.5m in height. When viewed alongside the existing extensions and approved scheme and due to its scale and position relative to the existing house, the proposed car port would result in a disproportionate addition over and above the size of the original building. Thus, it would not constitute an exception as set out under paragraph 154(c) of the Framework.
8. 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 comprises a dwelling, garden, and gravel driveway and parking area. As the proposed car port would be sited on part of the front garden and hardstanding, the introduction of a new building would inevitably lead to a loss of spatial openness.
10. The site lies adjacent to Leigh Road, with a hedgerow separating it from the country lane. There are also some trees and vegetation along the boundaries with the neighbouring properties. Although the proposed building would be set back from the lane and partly screened by the roadside hedge, due to its height and location forward of the house, it would be visible above the hedgeline from Leigh Road and the public right of way opposite. There would also be glimpsed views of the structure from the lane through the entrance driveway. Thus, the built development would also impact on visual openness.
11. Therefore, 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.

Other considerations

12. The proposed development would provide suitable parking to replace the existing garage which will be converted to office space for home working as part of the approved scheme. In the absence of public charging infrastructure nearby, the proposed building would include a safe and secure electric vehicle charging point (EVCP), contributing to carbon reduction and improving air quality. The appellant states that the only alternative EVCP location would be in a car port beside the house, requiring the removal of landscaping, but irrespective of whether this would be permitted development, this is not the proposal that is currently before me.

¹ Planning application ref: 23/01737/FL 'the approved scheme'

Other Matters

13. The Council did not find harm or development plan conflict in relation to several other matters, including living conditions and trees. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Whether there would be Very Special Circumstances

14. 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 car port would be inappropriate development in the Green Belt.
15. 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.
16. I accord modest weight to the provision of an EVCP. 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

17. 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