



Appeal Decision

Site visit made on 4 December 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/G2245/W/24/3347490

1 Parkgate Cottages Parkgate Road, Orpington, Kent BR6 7PY

- 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 Mick Roche against the decision of Sevenoaks District Council.
 - The application Ref is 24/00209/FUL.
 - The development proposed is demolition of existing former industrial/agricultural buildings and erection of single storey four bedroom dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area including with regard to the Kent Downs National Landscape.
 - 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 development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in the Framework.
4. Of relevance to this appeal, paragraph 154g) provides an exception for partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether

redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. The Glossary to the Framework sets out the definition of previously developed land which comprises land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. But it specifically excludes land that is or was last occupied by agricultural or forestry buildings.

5. There are currently five buildings on the appeal site; Garage, Barn, Large Shed, Corrugated Sheds and Small Shed and the plans show three buildings on the adjoining land; Main House, Home Office and Games Room.
6. The parties agree that historically the site, including the barn, was in agricultural use. In 1991 temporary planning permission was granted for the B1 use of the barn for the making of plaster of paris moulds & coving etc. This use had stopped by the enforcement appeal in 2000¹ when the Inspector observed that the building was used for the storage of building materials. I understand the use of the barn then ceased, and it would have reverted to its agricultural use. The enforcement appeal also required the removal of the large shed and garage as they were not lawfully developed. Similarly, the use of these buildings then ceased.
7. Whilst the appellant states that buildings were vacant prior to his purchase of the land and that the barn now has a nil use, I have limited evidence regarding the use of the land and buildings after the enforcement appeal. As such, based on the information submitted with this appeal, I am not satisfied that the appeal site is previously developed land as I cannot be certain that it would not be excluded from the definition of previously developed land.
8. Therefore, for the reasons described above, the appeal scheme is not partial or complete redevelopment of previously developed land. It is therefore inappropriate development in the Green Belt in the terms of the Framework.

Openness

9. Openness has both spatial and visual aspects. The large shed and garage on the site are unlawful and were required to be removed in 2000. However, decades have passed and these buildings remain. Furthermore, there is no indication that the Council have taken steps towards requiring the buildings' demolition. Additionally, although I am not provided with a similarly detailed planning history for the corrugated and small sheds there is no suggestion that these are unlawful. These buildings therefore exist on the site and considering the circumstances of this particular case I have considered all these buildings as well as the existing barn in the baseline position for openness.
10. The appellant states that cumulatively these buildings have a floor area of 282sq.m. and a volume of 903cu.m. and that there is 1,824sq.m. of hardstanding on the site. The buildings to be demolished are barns and sheds which are characteristic of the traditional agricultural use of the land and are therefore in keeping with their setting. The land slopes downwards towards the north and the majority of these buildings are at a lower level than Parkgate Road with a notable set back from the road. Furthermore, other than the barn, individually, these are small buildings.

¹ APP/G2245/C/00/1041236

11. The proposed single dwelling would have a total floor area of 212sq.m. and a total volume of 830cu.m. with hardstanding covering 1,675sq.m. It would be a single bulk and mass and its appearance and layout would be clearly domestic. It would be closer to the road than any of the existing buildings on the appeal site. Although its height above floor level would be less than the barn, considering its siting and the site levels the proposed dwelling would appear taller when looking from Parkgate Road. It would therefore be more prominent from the road than the existing buildings, even though due to the boundary screening these views are likely to be of the roof only. Furthermore, the dwelling would be visible from adjoining plots.
12. It would also consolidate the development on one part of the site, albeit whilst this would result in improvements to openness on some parts of the site where buildings were removed, there would be an increased bulk in the position of the proposed dwelling.
13. The proposed development would be a more visible, domestic use to this site. However, it would result in a reduction in built form in terms of both footprint and volume. As such, although there would be some harm to visual openness there would also be benefits to spatial openness. Taken together, the overall effect on openness would be neutral in this case.

Character and Appearance

14. The Kent Downs National Landscape is of national importance due to its natural beauty. Its distinctive features include its network of tiny lanes, isolated farmsteads, and pastoral scenery amongst other things. I am mindful of the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. I give great weight to conserving and enhancing the landscape and scenic beauty in this area, and this has the highest status of protection in relation to these issues. This is broadly echoed by policy EN5 of the Allocations and Development Management Plan (2015) (ADMP) which also makes specific reference to form, scale, materials and design and seeks enhancements to the landscape where feasible.
15. The appeal site is mainly open land with a barn and other small outbuildings, characteristic of the traditional agricultural use of this site. It is within the Shoreham sub-area of the Darent Valley Local Character Area, as identified in the Update to the Landscape Character Assessment of the Kent Downs AONB. In this area, of relevance to this main issue, materials include brick, flint, ragstone and weatherboarding and there are recommendations to protect the distinctive character of villages through use of locally-distinctive materials and careful designs.
16. The proposed dwelling would be a single storey bungalow shown mainly in render, with a brick plinth and a large area of crown roof. It would include a rear gable with glazing and a large porch to the front elevation with a gable over. The proposals would increase the amount of space available for landscaping although detailed proposals are not shown.
17. The use of render, the proposed prominent porch features and the extensive crown roof do not reflect the Kent vernacular. Consequently, the resultant building in terms of its form, materials and design would undermine the traditional farmstead appearance of the site and would be harmfully at odds

with the character and appearance of the built form in this part of the National Landscape. As set out above, the development would be more visible than the existing built form from Parkgate Road and the surrounding land.

18. Conditions could be attached to control the proposed materials and provide details of landscaping, albeit I am not provided with evidence that details such as window openings would not alter with a change of materials to the main elevations. Furthermore, this would not overcome the issues regarding form and design.
19. Therefore, the proposed development would not conserve and enhance the important character of the Kent Downs National Landscape. This inappropriate development in this nationally important location would result in serious harm to the National Landscape.
20. As such, the proposed development would have a harmful effect on the character and appearance of the area including with regard to the Kent Downs National Landscape. Therefore, it would be contrary to policy EN5 of the ADMP, the aims of which are set out above. It would also represent a strong reason for refusing or restricting development and in the terms set out in footnote 7.

Other Considerations

21. The Council cannot demonstrate a 5 year supply of deliverable housing sites and the Council states that it has a 3.9 year supply. The development would provide a single new home in an area where there is a shortfall in the delivery of housing, along with the social and economic benefits of one new home. However, taking into account the scale of the development these benefits would have moderate but positive weight. It is put to me that allowing the appeal would clear up the planning history of the site. However, any public benefit in this regard would be negligible.
22. The site is located adjacent to the Oast House and Parkgate which are both Grade II listed buildings. Their significance derives from their traditional appearance and materials. The appeal site is clearly separated from these buildings by trees and shrubbery. As such, the proposed development would not result in harm to the settings of these listed buildings. Nevertheless, in addition, due to this separation, the removal of the existing buildings would not result in an enhancement to setting. As such their settings would be preserved which would be a neutral effect.
23. Given my conclusions above that the application of policies relating to National Landscape provide a strong reason for refusing development, the appeal site would not be Grey Belt land in the terms of the Framework's definition.

Green Belt Balance

24. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. I also afford great weight to conserving and enhancing landscape and scenic beauty in this nationally important location, and the proposed development would also be harmful in this regard. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

25. On the other hand, the proposed development would result in moderate benefits associated with the provision of a new home in these circumstances, along with the other benefits identified above. Taking all the above into account, together there would be moderate benefits.
26. Consequently, the considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the Green Belt harm and the harm to the nationally important landscape. The very special circumstances necessary to justify the development therefore do not exist.

Planning Balance

27. The Council do not have a 5 year housing land supply, therefore paragraph 11(d) of the Framework is engaged. However, further to the findings above, the application of policies relating to the National Landscape provides a strong reason for refusing the development proposed, as set out in footnote 7. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR