
Appeal Decision

Site visit made on 11 February 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/G2245/W/24/3348365

Goose Farm, Hodsoil Street, Kent TN15 7LB

- 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 and Mrs P Timon against the decision of Sevenoaks District Council.
 - The application Ref is 23/03196/FUL.
 - The development proposed is the demolition of existing, erection of new house with solar panels on the roof. Landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing, erection of new house with solar panels on the roof. Landscaping and associated works at Goose Farm, Hodsoil Street, Kent TN15 7LB, in accordance with the terms of the application, Ref 23/03196/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading above I have used the description of the development from the Council's decision notice, which has been adopted by the appellant in their appeal form.
3. The appellant has provided a Bat Survey Report with the appeal which demonstrates that the proposal would not have a harmful effect on protected species. The Council has confirmed that it no longer wishes to pursue the third reason for refusal. I see no reason to disagree and, accordingly, I have not considered this matter any further.
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024, and I have had regard to this in my decision. The main parties were invited to provide comments on the revised Framework, and I have taken the comments received into account in my determination of the appeal.

Main Issues

5. 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; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

6. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 155 of the Framework includes that the development of homes in the Green Belt should not be regarded as inappropriate where all the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and d) where applicable the development proposed meets the 'Golden Rules' requirements. The Council notes that support is offered to the proposal under this paragraph and, on the evidence before me, I see no reason to disagree.
8. Consequently, the proposal would not be inappropriate development in the Green Belt in the terms of the Framework. The exception at paragraph 155 does not expressly state a need to assess its effect on Green Belt openness. Thus, consistent with footnote 55 of the Framework, the proposal should not be regarded as harmful to the openness of the Green Belt.

Character and appearance

9. Goose Farm is a detached dwelling which has been previously enlarged and comprises a mansard style roof at first floor as well as single storey and two storey flat roofed elements. The dwelling sits within a large plot which has mature trees and other vegetation on its boundary with the road.
10. Hodsoll Street is a narrow land rural lane that is bound by trees and other vegetation, so it has a verdant and leafy character. The road has pockets of development, including that where the appeal site is located. The buildings near the site are in residential or commercial use and include single storey and two storey buildings. Such buildings display traditional or utilitarian designs, with pitched roofs, gables, half hips and materials such as timber, brick and clay/state roof tiles. Consequently, there is some variety to the form and appearance of development.
11. The proposed dwelling would have a contemporary appearance. It would be part single part two storey, divided by a central atrium, in a design that would be unique to the area. However, the front elevation would be well articulated and have visual interest, due to the different heights of each element, sympathetic use of glazing and external materials. Overall, the dwelling would have appropriate proportions, and it would not appear excessively bulky. Further, the size and scale of the proposed dwelling would be commensurate to the size of the plot.
12. While a tree on the front boundary of the site would be removed, the trees and vegetation that would be retained on this boundary would offer screening potential from certain vantage points. Moreover, the proposed site plan indicates that new

planting would be delivered, which would also soften the appearance of the proposed dwelling.

13. Overall, the contemporary design of the proposed development would sit comfortably within its wider context and would therefore be appropriate. Even though it would be of a different style to existing buildings nearby, the proposal would not be incongruous or unsympathetic within its surroundings and the rural landscape.
14. As such, the proposal would not have a harmful effect on the character and appearance of the area, in accordance with Policy SP1 of the Local Development Framework Core Strategy 2011 and with Policy EN1 of the Allocations and Development Management Plan 2015. These policies support development of a high-quality design that responds to the distinctive local character of the area in which it is situated.

Other Matters

15. Gosling House, a Grade II listed building, is located near the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. This two-storey building has a half-hipped tile roof with weatherboard gabled ends and red brick chimney stack. Its setting is informed by the buildings that surround it and agricultural fields. As the proposal would be at some distance from Gosling House and separated by intervening features such as existing buildings, it would preserve the setting of this heritage asset.
16. Reference is made to exception d) under paragraph 154 of the Framework. However, as I have found that the proposal would not be inappropriate development under paragraph 155, it is not necessary to consider the other exception cited.

Conditions

17. I have considered the Council's suggested conditions in light of the advice contained within the Framework and the Planning Practice Guidance. I have undertaken some minor editing, in the interests of precision and clarity.
18. In addition to the standard time limit for implementation of the planning permission, it is necessary to impose a condition specifying the approved plans to provide certainty. In the interests of the character and appearance of the area it is necessary to secure details of external facing materials, landscaping and tree protection measures.
19. I have attached conditions requiring the submission of details of mitigation measures, a lighting scheme and a scheme to enhance biodiversity, to prevent harm to protected species and deliver ecological enhancements. To encourage the use of low emission vehicles I have attached a condition requiring details relating to the provision of an electric vehicle charging point to be submitted. A condition is also necessary to ensure that risks from potential land contamination to the future users of the site and surrounding land are minimised to acceptable levels.
20. The pre-commencement conditions are necessary because they seek to mitigate impacts arising during the construction phase.

21. I have not included the Council's suggested condition requiring the existing dwelling to be demolished and all resulting materials removed from the site because the proposed plans show that the existing dwelling would be demolished.

Conclusion

22. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: A.01, A.02, A.04, A.05-A, A.06.
- 3) Prior to the commencement of development tree protection measures shall be in full accordance with the details contained within the Arboricultural Impact Assessment and Method Statement (produced by Canopy Consultancy and dated November 2023) and Tree Protection Plan (Drawing no. 23-1595-TPP). Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. The protection measures shall remain in situ throughout the duration of the demolition and construction processes.
- 4) Prior to the commencement of development details of mitigation measures for protected and priority species (e.g. bats, great crested newts, reptiles, dormouse, hedgehogs and breeding birds) that could be affected by site clearance and construction shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented for the duration of the construction period, including site clearance.
- 5) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 6) No development above ground level shall take place until details including samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 7) No development above ground level shall take place until details of the location of an electric vehicle charging point for the new dwelling have been submitted to and approved in writing by the local planning authority. The approved charging point shall be installed prior to first occupation of the development in accordance with the approved details and shall be maintained as such thereafter.
- 8) No development above ground level shall take place until details of both hard and soft landscaping, including details of any hard surfacing and boundary fencing, have been submitted to and approved in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the soft landscaping shall be implemented not later than the first planting season following the first occupation of the dwelling. Any trees or plants which within a period of 5 years from the completion of the development die, are removed

or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) Prior to the first occupation of the development hereby approved, a detailed scheme showing how the development shall enhance biodiversity shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and retained as such thereafter.
- 10) Prior to the installation of external lighting on the buildings or within the curtilage of the site an external lighting design plan shall be submitted to and approved in writing by the local planning authority. The plan will show the type and locations of external lighting and shall demonstrate how the lighting has been designed to protect wildlife. The lighting installation shall then be carried out in accordance with the approved details and maintained as such thereafter.