



Appeal Decision

Site visit made on 18 March 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/H2265/D/24/3352491

Little Canon, 229 Canon Lane, Watringbury, Maidstone, Kent ME18 5PJ

- 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 R Hooker against the decision of Tonbridge and Malling Borough Council.
 - The application reference is TM/24/00835/PA.
 - The development proposed is erection of garden storage shed/tractor mower store.
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Decision

1. The appeal is allowed and planning permission is granted for erection of garden storage shed/tractor mower store at Little Canon, Watringbury, Maidstone, Kent ME18 5PJ in accordance with the terms of the application, Ref TM/24/00835/PA, and the plans submitted with it, subject to the following condition.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Preliminary Matters

2. Following the Council's determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process and I have taken any comments into account in my decision.
3. Most of the appeal site, including the house Little Canon, lies within Watringbury Conservation Area (the CA). The location of the proposed storage shed, however, lies on the edge of, but outside, the CA. I have, therefore, had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues in this appeal are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt and whether the 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

5. There is no dispute between the parties that the land lies within the Metropolitan Green Belt. Policy CP3 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007) (the CS) identifies that National Green Belt Policy will be applied to proposals within the Green Belt.
6. The proposal would introduce a garden storage shed into an area of landscaped gardens to the front of Little Canon, a substantial two-storey dwelling. Due to the historic layout of the site, the built form within the site is concentrated at one end of the site, whilst the proposed shed would lie at some distance from them, about two thirds of the way down the extensive front garden.
7. Whilst the proposed shed would replace a building that previously occupied the site, that has been demolished and no trace of the building remains. The proposal cannot, therefore, be considered a replacement for that structure, and so the exception under paragraph 154d) of the Framework is not applicable in this case.
8. Having regard to paragraph 154g) of the Framework, the proposal would be located within an enclosure formed by an established hedge, inside the domestic garden of Little Canon on land previously occupied by the former structure. Under these particular circumstances I find that the site constitutes “previously developed land”.
9. Following the changes to the Framework, which altered paragraph 154 g) I must, therefore, consider whether the proposal would cause substantial harm to the openness of the Green Belt.
10. The area on which the shed would stand is currently clear of built form above ground level and so there would be an inevitable reduction in spatial openness and this would occur some distance from the bulk of the existing built form within the site. However, other urbanising built form, including substantial walling, exists in the vicinity.
11. The proposal would be visually contained within the existing hedge, with views of the structure restricted to those from close by and limited by the width of the opening through the hedged enclosure.
12. I appreciate the Council’s view that the hedge may die or be removed, and that such an event would expose the shed to view. Given the landscaping of the garden, it is unlikely that the hedge would be removed or allowed to otherwise deteriorate so as to expose the shed and its utilitarian form. This notwithstanding, even in the event of die back of the hedge or its removal, the site is well-screened by other existing planting and by the lie of the local land and views of the shed would be limited to those from within the site and oblique views from the upper storey windows of cottages to the south.
13. Bringing these matters together, the proposal would, given its scale and position, result in a limited reduction in spatial openness of the Green Belt, and a very limited reduction in visual openness. I do not, therefore, find that the harm to the openness of the Green Belt would be substantial in this case.
14. Thus, considered overall against the criteria set out in the Framework for proposals under paragraph 154g), the appeal scheme would not constitute inappropriate

development. Having concluded that the proposal meets this exception there is no need for me to consider the proposal against any of the other exceptions within that paragraph.

15. I conclude, therefore, that the development is not inappropriate development within the Green Belt. It therefore complies with the aims of Paragraph 145 of the Policy Framework and the policy CP3 of the CS.
16. Having determined that the proposal would not be inappropriate development within the Green Belt, it follows that the proposal does not need to demonstrate the Very Special Circumstances required to support inappropriate development in the Green Belt.

Other Matters

17. The CA covers the historic extent of the village and its significance, in so far as it relates to this appeal, derives from its character and appearance as a rural settlement and the authenticity of its rural architecture. Bearing in mind the extent, nature and location of the proposed development, the character and appearance of the CA as a whole, and thus its significance, would be preserved.

Conditions

18. I have considered the conditions suggested by the Council, having regard to the Planning Policy Guidance.
19. The permission requires that the proposed development be built in accordance with the terms of the application and the plans submitted with it. The permission is also governed by the standard time limitation clause to prevent the accumulation of unimplemented permissions.

Conclusion

20. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to the condition attached.

I A Dyer

INSPECTOR