
Appeal Decision

Site visit made on 24 July 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/G2245/W/25/3360697

The Hollies, How Green Lane, Hever TN8 7NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Latham against the decision of Sevenoaks District Council.
 - The application ref. is 24/02195/FUL.
 - The development proposed is for a two-car car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the impact of the new car port upon the character and appearance of the host property; 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 development

3. The Hollies relates to a detached bungalow of modern style and design. It is situated on How Green Lane, a rural thoroughfare with some sporadic housing set in wider countryside of fields and woodland.
4. The Framework states that development in the Green Belt is inappropriate. This is subject to certain exceptions, which include at paragraph 154 (c) '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.'

5. The Framework defines the date of an 'original building' as 1 July 1948, or as originally built if constructed after that date. Policy GB1 of the Sevenoaks Allocations and Development Management Plan 2015 ('the ADMP') is broadly consistent with the Framework in this respect.
6. The Framework does not define what constitutes a disproportionate addition. Policy GB1 states, amongst other things, that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings should not result in an increase of more than 50% above the floor space of the original dwelling (measured externally) including outbuildings within 5m of the dwelling, as is the case in this instance.
7. The Council has calculated a figure of some 77% uplift for the cumulative external floor space increase when adding the appeal scheme to previous works to the original home. This figure is not disputed by the appellant. With a change from an original home of around 132 m² to the proposal now leading to about 234 m², I am of the view that there would be a failure of the 'disproportionate additions' test.
8. Judging the scheme in accordance with Policy GB1, I deem that the proposed extension, together with the previous additions to the dwelling, would amount to a disproportionate addition over and above the size of the original building. This would represent inappropriate development within the Green Belt and would not benefit from the exception in paragraph 154 (c) of the Framework. As such, there would be conflict with Policy GB1 of the ADMP.
9. I understand that the scheme would also involve a change of use of the land to residential garden. Paragraph 154 (h) of the Framework advocates that other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, one of which includes 'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)'.
10. In *RB of Kingston upon Thames v SSLUHC* [2023] EWHC 2055 (Admin) the judge confirmed that residential uses do not fall within this exception. Furthermore, it was held that it is not an open-ended category, but rather, because of the words "such as", the uses that will be within it should take their flavour or extent from the examples given. Accordingly, the change of use of the land is also inappropriate development for the purposes of this appeal.

Openness

11. The Framework makes it clear that an essential characteristic of Green Belts is their openness, which has spatial and visual aspects. Openness is evident around The Hollies and in the wider area as a result of spaces between dwellings and the surrounding undeveloped fields and woodland.
12. The land is immediately adjacent to the house; to my mind it is read as part of the existing residential garden, is relatively modest in its context, would not involve the loss of hedgerows or trees, and would not jut out into local fields. I am therefore satisfied that the change of use in principle would have no adverse impact upon openness.
13. However, the scale and extent of the resultant built form would be substantially greater than the existing property. The combined extent of all the proposed

extensions and alterations would result in a noticeably larger dwelling, that would result in moderate harm the openness of the Green Belt in both visual and spatial terms. The Framework makes clear that substantial weight should be given to any harm to the Green Belt and the erosion of openness therefore weighs heavily against the proposal.

Character and appearance

14. Although of simple design and form, due to its height the proposal would not appear as subservient to the main dwelling. Whilst I acknowledge that the car port would not be prominently located in relation to the street scene, this does not obviate the obligation to ensure that it is not so large that it dominates and competes with the original building.
15. On this basis I am drawn to conclude that the scheme would result in harm to the character and appearance of the host property. It would be inconsistent with Policies EN1 and GB1 of the ADMP and the Council's Residential Extensions (May 2009) and Development in Green Belt (February 2015) Supplementary Planning Documents, which expect new development to be of an acceptable scale that reflects and respects the existing character, setting and local context.

Other considerations

16. I have considered the matters advanced in the grounds of appeal; I acknowledge that the land is not within an area of flood risk, the design would incorporate biodiversity enhancements, local trees would be retained and there are no objections on the ground of the living conditions of the occupiers of surrounding houses. However, the scheme remains unacceptable for the reasons given above.

Green Belt Balance

17. According to paragraphs 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
18. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. As such, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. Having regard to the above and all associated factors, I dismiss the appeal.

C Hall

INSPECTOR