



Appeal Decision

Site visit made on 18 August 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2025

Appeal Ref: APP/G2245/W/25/3362911

1 Hunters House, Hunters Walk, Knockholt, Kent TN14 7NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Nishwan Shaboo against the decision of Sevenoaks District Council.
- The application ref is 24/03293/MMA.
- The application sought planning permission for variation of conditions 2, 3, 4, 5, 6 7 of 22/02846/FUL for demolition of existing dwelling and outbuilding; erection of replacement dwelling and garage with associated works with amendments to drawings, ecology, landscaping, materials and electric charging points, without complying with a condition attached to planning permission ref 23/02206/CONVAR, dated 16th October 2023.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: KBC/22/046/01, KBC/22/046/105, KBC/22/046/106, KBC/22/046/107, KBC/22/046/108, KBC/22/046/109, KBC/22/046/110, KBC/22/046/40.
- The reasons given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for a replacement detached dwelling and detached garage under reference 22/02846/FUL. The scheme was subsequently amended under application 23/02206/CONVAR to alter the design of the proposed dwelling. On my visit I observed that the permission 23/02206/CONVAR had been implemented as the proposed dwelling approved by this permission was of substantial completion. However, the proposed garage approved by this scheme had not yet been constructed at the time of my visit. The appellant is now seeking to alter the design of the approved garage, by creating an enlarged building adding additional floor space within the roof.
3. The main issues are:
 - whether the proposed garage would be inappropriate development in the Green Belt;
 - the effect of the proposed garage on the openness of the Green Belt;
 - the effect of the proposed garage on the character and appearance of the area;

- if the proposal is inappropriate development in the Green Belt, 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

4. The appeal site is situated within the Green Belt. The National Planning Policy Framework (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.
5. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless an exception applies. The appellant has stated that the proposed garage would be proportionate to existing buildings on the site. Exception c) of paragraph 154 states that 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 would not be inappropriate Green Belt development.
6. However, the garage approved through the previous planning permission has not been built. Therefore, the proposed larger garage subject to this appeal would not be an addition to an existing garage, rather it is a new standalone building. As such exception c) of paragraph 154 of the Framework would not apply.
7. Exception d) of paragraph 154 relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The existing garage is single storey in stature with a low roof profile. By contrast the tall gable design of the replacement garage would be of notably greater bulk, mass and height which would result in a building that is materially larger than the building it replaces. Therefore, the proposal would not benefit from exception d) of paragraph 154.
8. As a result, I consider the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful.

Openness

9. The Planning Practice Guidance identifies various factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt¹.
10. Policy GB3 of the Sevenoaks Allocations and Development Management Plan (2015) (ADMP) allows for proposed outbuildings which are located more than 5m from the existing dwelling, to be permitted where they would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion. I consider that these criteria are relevant factors which fall into the assessment of the visual and spatial effect of the proposal on openness.
11. The proposed design visually adds excessive height, bulk and mass to the site that would be directly visible from Hunters Walk which would visually intrude into the

¹ Paragraph: 013 Reference ID: 64-013-20250225

perceived openness at the site. In relation to spatial openness the proposal would introduce additional built form to the site which would cause a loss of spatial openness.

12. Given the scale of the development, the harm to openness would be moderate. Nevertheless, the proposal would be contrary to the objectives of the Framework of keeping land in the Green Belt permanently open and would conflict with Policy GB3 of the ADMP.

Character and appearance

13. Hunters Walk comprises a small cul-de-sac of detached two storey properties. The area is verdant in character with verges, mature hedges and trees. With the construction of the new dwelling at the appeal site, the properties along Hunters Walk are situated on a broadly linear building line. The frontages of properties are generally open and spacious.
14. The proposed garage would be situated forward of the existing building line of the host property, as is the case with the approved garage. However, the additional height, bulk and mass above ground floor level, compared to the previously approved garage, would be intrusive and highly prominent within the streetscene, particularly given the facing gable design of the structure which would face onto Hunters Walk. The proposal would not appear as a subservient structure within the plot and would undermine the spacious frontage of the property, appearing imposing within the Hunters Walk streetscene. This harm would occur even with the use of materials which are in keeping with the palette of materials used within Hunters Walk and the boundary vegetation providing some screening to the wider area.
15. Whilst there is a garage on the opposite side of Hunters Walk situated forward of the building line of the properties, it is of a more subservient appearance with a single storey hipped roof form. The presence of this garage would not justify the much more imposing design of the appeal proposal.
16. The proposed garage would therefore result in considerable harm to the character and appearance of the area. The proposal would conflict with Policy EN1 of the ADMP. This policy, amongst other matters, seeks to ensure the proposal would be of a high quality design that responds to the scale and height of the area.
17. Policy GB3 of the ADMP has been referred to in the Council's associated reason for refusal. However, this policy relates to Green Belt considerations so is not directly relevant to this specific main issue.

Other Considerations

18. The appellant has set out the revised dwelling consented under application 23/02206/CONVAR resulted in a reduction in the built form compared to the originally approved dwelling under planning application 22/02846/FUL by a figure of 61.33m³. As such, it is the appellants case that this would allow for some additional volume to be built at the site.
19. In the first instance, as permission 23/02206/CONVAR has been implemented, this gives very limited weight to 22/02846/FUL as a fallback position. Furthermore, using the figures provided by the appellant in the Planning, Design and Access Statement, the proposal results in an addition of 80.19m³ of built volume at the

appeal site. The proposal therefore exceeds the volume of development permitted under application 22/02846/FUL. Furthermore, I do not consider that the additional volume of built form proposed by this application is less harmful than that approved under 22/02846/FUL. Therefore, this fallback position would not carry any positive weight in favour of the proposal.

20. The additional accommodation contained within the proposed garage would facilitate the working from home for four individuals which would result in less commuting. However, the carbon emissions saved through the reduction in car journeys has not been quantified. In any case, given the scale of the proposal, it would likely be very limited. Furthermore, working from home is a personal benefit that would carry very limited weight in favour of the proposal.
21. The appellant has stated that additional ecological and biodiversity benefits are detailed in the design and access statement, however it does not list any additional measures above those secured by the previous planning permission. Similarly, the garage would secure off-street parking, however, it would be the same amount of secured spaces as approved by 23/02206/CONVAR. Therefore, these matters carry limited weight in favour of the scheme overall, but do not add any further positive weight in favour of the amended design.
22. The appellant has stated the scheme would make efficient use of land. However, paragraph 124 of the Framework is clear that whilst planning decisions should promote the effective use of land, this should be done whilst safeguarding and improving the environment. Given my findings, the proposal would not do so, and I therefore do not attribute any positive weight to this.
23. The appellant has referred to other standalone structures which have been permitted within the locality. However, I have been provided with very limited information on these structures, and I cannot be certain whether the circumstances are directly comparable to the appeal proposal. I therefore cannot attribute any positive weight to these examples. In any case, each proposal should be considered on its individual merits which I have done so.
24. No harm has been identified to neighbours. This lack of harm is not a benefit in itself. I therefore attach neutral weight to this matter.
25. The appellant has stated that they are open to amendments to the proposal. However, I must consider the development before me to ensure that no party is prejudiced. Furthermore, the appeal process should not be used to evolve a scheme, and a new planning application would be the appropriate method to do so. I also do not consider that the use of conditions could make the otherwise unacceptable development, acceptable as set out in paragraph 56 of the Framework.

Green Belt Balance

26. The proposal would amount to inappropriate development in the Green Belt and would result in moderate harm to openness. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, including harm to its openness. The proposed garage would also result in considerable harm to the character and appearance of the host property and area.

27. Paragraph 153 further explains inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. The other considerations outlined above do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

29. The proposal conflicts with the development plan as a whole 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, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR