

fluid planning

**Halls Green Farm
Hale Oak Road
TN14 6NQ**

**Planning Statement
0083**

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1. Introduction

- 1.1 Halls Green Farmhouse has been subject to a number of additions and improvements over the past 10 years. This application seeks planning permission for the erection a covered walkway between a lawfully erected ancillary outbuilding and the dwellinghouse.
- 1.2 The recent planning history for the site is:
- 19/01264/FUL - Glazing of covered walkway. Status: Granted.
 - 19/00017/LDCPR - Erection of a games room. Status: Granted.
 - 12/01450/LDCPR demolition of timber garage on south west elevation, replacement and extension of driveway, erection of timber and brick garage, garden store and studio on rear south elevation, erection of porch on east elevation, and erection of conservatory on rear of elevation. Status: Granted.
 - 11/01432/FUL Demolition of existing two storey extension and construction of first floor extension above existing single storey and reconfiguration of the ground floor. Status: Granted.
- 1.3 The application site is located within the Metropolitan Green Belt and outside of the Area of Outstanding Natural Beauty. The development subject to the application is located wholly within the defined residential curtilage to the dwellinghouse.
- 1.4 The proposal is to connect an outbuilding located to the side of the dwelling, via a side extension. The linkage between the two structures is screened by a combination of the two buildings, a tall and mature hedge fronting Hale Oak Road and fencing erected to the south of the residential garden. No views into the Site therefore exist. Then to cover over an existing bin store and use this as a utility room.

2. Planning policy considerations

- 2.1 The policy considerations are the impact of the proposal on the character and appearance of the area, the impact on the Green Belt and the impact on neighbour amenity. Relevant policies include Core Strategy policy SP1 and, ADMP policies SC1, EN1, EN2 and GB1. The Development in the Green Belt Supplementary Planning Document and Residential Extension SPD are also relevant.

Character and appearance

- 2.2 Core Strategy policy SP1 and ADMP policy EN1 require that new development should be of a high design standard and be responsive to the character of the locality. The Residential Extensions SPD requires consideration of siting, scale, form, height, materials and amenity considerations. These policies require that the two additions that form this proposal are of an appropriate scale to the existing dwelling, and their appearance matches both the character of the dwelling and the surrounding area.
- 2.3 The proposed linkage will be constructed using high quality materials in the form of an oak frame and clay tile roof that matches exactly the materials used on the dwellinghouse and outbuilding. The scale and siting mean that the covered walkway is barely visible from the surrounding area by reason of it being located between lawful structures and screened by hedges and fencing. This element of the proposal conforms with policy requirements by reason of the high quality materials and architectural style. The proposal is in keeping with the character and appearance of the area and consequently is policy compliant against the requirements of the NPPF, policies SP1 of the Core Strategy and EN1 of the ADMP, and the Residential Extensions SPD.

Impact on Green Belt

- 2.4 ADMP policy GB1 mirrors the requirements of NPPF policy. Paragraph 147 of the NPPF confirms that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 149, part c) states that "*the extension or alteration of a building is not inappropriate so long as the additions do not result in disproportionate additions over and above the original building*". Policy GB1 and the Green Belt SPD provides a local interpretation of what is considered disproportionate and requires consideration of three main topics. First, that the dwelling must be lawful and permanent. Second, the extension must be designed to be in keeping with the character of the dwelling. Third, the proposal must not result in an increase above 50% of the floorspace of the original dwelling (which includes other extensions, alterations and outbuildings). The issue here for consideration then is whether the additions, which exceed 50% of the original, result in harm to the openness of the Green Belt.
- 2.5 The approach to considering impact on openness explained within this statement is supported through the courts and at appeal. Appeal decision APP/

Q4625/A/07/2034664 related to use of roof space as habitable accommodation with resultant increases to volume and floorspace. This case demonstrates that an assessment of impact, and specifically whether it is disproportionate or proportionate cannot be purely made in a mathematical way by reference to size, regardless of whether the measurement is of floorspace, volume or mass. Rather the approach should also consider appearance and visual impact. The Inspector concluded that floorspace limits should be a guide and not a mathematical test. The issue became whether the proposal was proportionate to the dwelling, as it was at the time of the appeal. The Euro Garages Limited v Secretary of State for Communities and Local Government 2018 case confirms that proposals that do not have a significant visual impact or which do not harm the character and appearance of the area, can be permissible regardless of their physical presence in the Green Belt. This means that the council's 50% guide, is just that, a guide. The issue here for consideration is whether a visual impact results from the proposed alterations that is detrimental to the Green Belt.

- 2.6 The courts have provided some legal guidance on the nature of how planning judgment should be exercised in this context. In John Turner v SoS CLG [2016] EWCA Civ 466, the Court of Appeal stated (albeit in the context of the sixth exception at paragraph 89 of the 2012 version of the Framework, but still relevant here):

“14 The concept of “openness of the Green Belt” is not narrowly limited to the volumetric approach suggested by Mr Rudd. The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.

15 The question of visual impact is implicitly part of the concept of “openness of the Green Belt” as a matter of the natural meaning of the language used in para.89 of the Framework. I consider that this interpretation is also reinforced by the general guidance in paras 79-81 of the Framework, which introduce section 9 on the protection of Green Belt Land. There is an important visual dimension to checking “the unrestricted sprawl of large built-up areas” and the merging of neighbouring towns, as indeed the name “Green Belt” itself implies. Greenness is a visual quality: part of the idea of the Green Belt is that the eye and the spirit should

be relieved from the prospect of unrelenting urban sprawl. Openness of aspect is a characteristic quality of the countryside, and “safeguarding the countryside from encroachment” includes preservation of that quality of openness. Again, the reference in para.81 to planning positively “to retain and enhance landscapes, visual amenity and biodiversity” in the Green Belt makes it clear that the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt.” (Emphasis added)

- 2.7 The Supreme Court recently ruled authoritatively on the issue of “openness” within the Green Belt, in R (Samuel Smith Old Brewery) v North Yorkshire County Council [2020] UKSC 3, having reviewed the case law. It noted that:
- Although it may be a relevant factor, the visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected (paragraph 5).
 - Rather, openness is the counterpart of urban sprawl, linked to the purposes of the Green Belt, and not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept (paragraph 22).
 - Nor does openness imply freedom from any form of development (paragraph 22).
 - The concept of openness means the state of being free from buildings. It is open textured and a number of factors are capable of being relevant (paragraph 25).
- 2.8 Drawing on the case law just mentioned, a number of points should be borne in mind when carrying out the assessment under paragraph 149(c):
- The assessment of impact on the openness of the Green Belt is a multi-textured exercise, and factors (such as visual and spatial qualities) will be interlinked.
 - As recently confirmed by the Supreme Court, the key point is that openness, as conceptualised in the Framework, is the counterpart of urban sprawl.
 - It is not necessarily a statement about the visual quality of the land, although that may well be a relevant factor.
 - Likewise, openness does not necessarily imply freedom from any form of development (and in the context of a proposed development on a site with existing buildings openness clearly cannot involve complete freedom from buildings).
 - The task is to consider the openness of the Green Belt, and not of the site, as such.
- 2.9 A further consideration for the council is ‘domestic adjunct’. That is a building that is so close to the main dwellinghouse as to constitute an extension rather than an outbuilding for the purposes of Green Belt extensions. The Sevenoaks District Council v SSEE and Dawes [1997] judgement confirms that an outbuilding can be regarded

as a domestic adjunct and therefore part of the dwellinghouse. Physical separation of an outbuilding from the dwellinghouse is irrelevant. At appeal, the Inspectorate make reference to the Sevenoaks District Council v SSEE and Dawes [1997] judgement frequently and then proceed to establish whether a proposal falls within the exceptions to Green Belt policy set out in part c) of paragraph 149 of the Framework. The lawful outbuilding exists, and is less than 5m from the dwellinghouse meaning against ADMP policies, the outbuilding is already part of the ‘existing floorspace’ of the dwellinghouse. Applying the council’s own 5m test, the outbuilding must be considered a domestic adjunct. This is an important point, because in accordance with the judgement and the council’s own approach, the dwelling at the time of this submission is significantly above the 50% limit.

- 2.10 In this instance, the floorspace limit is not material. What is material is whether, the proposal harm the the Green Belt. And in making that judgement, one is obliged to recognise that two elements comprising this proposal have minimal visual presence by reason of screening of existing buildings and will not encroached upon undeveloped land. If the bulk and mass of the proposal cannot be seen, then regardless of whether mathematically additional floorspace has been created, no material harm to the openness of the Green Belt by reason of visual intrusion results. For these reasons, the proposal is compliant with the objectives of the NPPF, policy GB1 and the Green Belt SPD.

Neighbour amenity

- 2.11 Policy EN2 of the ADMP requires new development to safeguard neighbour amenity and provide an adequate standard of residential amenity for current and future occupiers. The covered walkway is located sufficiently distant from neighbours that no harm would be created by their physical presence and use. Nor would the development harm the existing occupiers. To the contrary, the development allows more full enjoyment of the existing dwellinghouse. Consequently, the proposal accords with policy EN2 of the ADMP and the requirements of the Residential Extensions SPD.

3. Summary

- 3.1 The proposal has been shown to be in keeping with the character of the dwelling and surrounding area. No harm to residential amenity would result. The issue is

then whether the proposal is harmful to the openness of the Green Belt. It has been explained why the application of the 50% arbitrary limit is not considered appropriate when looking at case law and appeal decision. These dictate that where proposals do not have a significant visual impact or harm the character and appearance of the area, can be permissible regardless of their physical presence in the Green Belt. That means a judgement needs to be based on more than a mathematical increase in floorspace. Planning permission should be granted on the basis that the proposal does not visually harm the Green Belt nor impact in any way the five reasons for including land within the Green Belt.

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