



Mr. R Morris  
Chief Planning Officer  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
TN13 1HG

Our ref SEV/24/01  
Your ref  
17.01.24

Dear Mr. Morris,

Householder planning application for the erection of a garage and outbuilding at Hunters Lodge, Toys Hill, TN16 1QG

I have been instructed to submit a planning application for the development of the above site involving the erection of a garage and an outbuilding within the curtilage of the dwelling.

The application is formed of this covering letter, planning application and CIL forms, and the following drawings;

- Block plan with buildings that can be lawfully built;
- Proposed block plan PL001
- Floor plan of garage TY-PL-02
- Elevations of garage TY-PL-03
- Floorplans and elevations of garden room PL006

#### Site and surrounding area

The site is located within a rural area, to the north of the settlement of Toys Hill. The site is located on sloping ground, with the land rising up to the south, before falling to the settlement of Toys Hill. The site was previously a public house (the Fox and Hounds), but planning permission was granted on appeal under reference 20/01070 for the conversion of the building to a single dwellinghouse. The conversion has taken place and the building is now occupied by the applicant and his family. There is a vehicular access onto Toys Hill towards the southern part of the frontage.

The surrounding area is rural in character and is heavily wooded. The area is mainly undeveloped, but with the occasional built form set within the wooded landscape. The built form is largely residential in nature.

#### Proposed development

The proposed development involves the erection of a new four bay garage with attached log store, and the



erection of a garden room, which is proposed to house a hot tub. The proposed garage will be 6.8m x 14.213m (96.66 sqm) in area and will have a height of 6.2m to the ridge from ground level. The structure will be timber clad to the external elevations above a small brick plinth, and the roof will be covered with plain clay tiles. The proposed garage will be located to the south eastern corner of the site.

The smaller outbuilding is to be sited to the northern end of the garden area, in the same location as the garden outbuilding that is confirmed to be permitted development with the granting of a Certificate of Lawful Development under application reference 23/02561. The garden outbuilding for this application is of the same dimensions as the outbuilding submitted under application reference 23/02561- 3.5m x 3.5m in plan and with a maximum height from ground level to the ridge of 3.555m. The building would be timber clad and the roof covered with plain clay tiles.

### Planning history

Prior to 2020, a number of applications were submitted in relation to the use of the site as a public house. Set out below is the planning history since 2020, including the application and appeal for the change of use to a dwellinghouse.

- 20/01070/FUL- Conversion of public house to dwelling. Refused. Allowed on appeal 10.06.20
- 21/01853/HOUSE- Erection of double garage with log store and relocation of access to the southern part of the frontage. Creation of new driveway and formation of vehicle access. Granted 16.08.21
- 21/04034/LDCPR- Erection of a new garden room. Granted 03.03.22
- 23/01543/LDCPR- Application to build a new garage under the rules of Class E of Town and Country Planning (General Permitted Development) (England) Order 2015. Granted 27.07.23
- 23/02561/LDCPR- Build a new garage and 2 small garden buildings. Granted 25.10.23.

In summary, following the grant of planning permission to convert the public house to a residential dwelling, a number of outbuildings have either been granted planning permission or issued with Certificates of Lawful Development to confirm that they could be built without the benefit of planning permission. The implications of this planning history will be addressed below.

### Policy context

The development plan for the area consists of the Core Strategy, adopted in 2011, and the Allocations and Development Management Plan, adopted in 2015.



The relevant policy of the Core Strategy is;

SP1 Design of New Development and Conservation

The relevant policies of the Allocations and Development Management Plan are;

EN1 Design Principles

EN2 Amenity Protection

EN5 Landscape

GB3 Residential Outbuildings In the Green Belt

Having regard to the development plan policies map, the site is within the Metropolitan Green Belt and within an Area of Outstanding Natural Beauty (now known as a “National Landscape”)

Other material policy considerations include the National Planning Policy Framework (NPPF), in particular paragraphs 10 and 11, and section 13 relating to the Green Belt, and the Development in the Green Belt SPD published by the Council.

Main issues

Having regard to the policy context the main issues to consider are as follows;

Impact on the Green Belt;

Impact on the character of the area,

Impact on neighbouring amenity.

Green Belt

Policy GB3 of the Allocations and Development Management Plan provides the local policy on outbuildings within residential garden areas. The policy states that if an outbuilding is within 5m of the dwelling it is to serve, then it will be considered as an extension to that dwelling (and fall to be determined under policy GB1). However, neither of the proposed structures are within 5m of the dwelling.

The policy goes on to say that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the

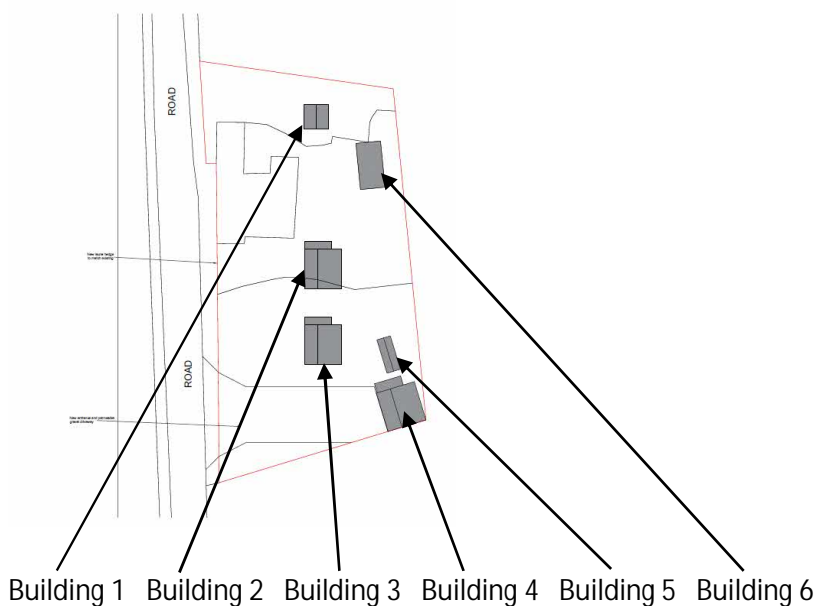


dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

The Council's adopted SPD "Development in the Green Belt" gives further guidance in that at paragraph 5.30 sets out that outbuildings should "be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion. In order to minimise the impact of outbuildings on the openness of the Green Belt, the Council will seek to restrict any outbuildings to a limit of 40sqm (measured externally)."

The smaller of the proposed outbuildings amounts to 12.25 sqm in floor area, and is therefore compliant with the policy in relation to its size and coverage of the garden area. The northernmost outbuilding is to be sited behind the existing dwelling, and is 3.5m in height, and it is proposed to use materials that reflect the character of the area. As a result, the northern most outbuilding meets the policy requirement of being well designed, compatible with the character of the area and designed and sited to minimise visual intrusion. There should therefore be no objection to this structure in Green Belt terms.

The southernmost structure is the proposed four bay garage with attached log store. This structure is to 96.66 sqm in area, which is in excess of the 40 sqm area set out in the SPD. However, as demonstrated in the Planning History section above, the applicant is able to build out a number of outbuildings which have already been granted permission or benefit from Certificates of Lawful Development to confirm that they are permitted development. These are shown on the plan below;





The table below sets out the buildings and the relevant planning decisions, and the floor areas of the buildings,

Planning reference	Building no.	Floor area (sqm)
21/1853	Building 4	29.95
21/4034	Building 6	26.48
23/1543	Building 3	29.95
23/2561	Building 1	12.25
23/2561	Building 2	29.95
23/2561	Building 5	10
	Total	138.58

As can be seen, the applicant would be able to erect outbuildings with a floor area of 138.58 sqm without the need for further permission or consent from the Council. All of the above listed applications are for Certificates of Lawful Development, which confirms that the structures are permitted development under the terms of the General Permitted Development Order, apart from application 21/1853 (for Building 4) which granted planning permission for the erection of the garage and the provision of the access point. The access point has been constructed, and therefore that planning permission is extant, and can be completed with the erection of the garage at any time in the future.

The ability to erect outbuildings of up to 138.58 sqm without any further permission or consent from the Council therefore constitutes a fallback position.

The garage the subject of this proposal amount to a floorspace of 96.66 sqm. This floor area is significantly less than the total amount of floorspace (138.58 sqm) that the applicant is able to erect without the need for further permission or consent from the Council. Even if the floor area of the smaller building the subject of this application is included (12.25 sqm), the total floorspace currently proposed (108.91 sqm) will be less than the fallback position.

The granting of planning permission for the two structures the subject of this application would therefore result in a reduction in potential built form in the Green Belt of 29.67 sqm (138.58-108.91). This represents a reduction of 29.67 sqm, or 21%, compared to the fallback position. This is a significant reduction in built form.

On the basis that the current proposal in totality exceeds the policy limits set out in policy GB3, the Council may consider it to be inappropriate development. Very special circumstances would therefore be needed to be shown that would outweigh the harm by way of inappropriateness, and any other harm. It will be shown below that there



is no “other harm”

It is clear that there is a reduction in footprint and floorspace of built form relative to the fallback position should the current proposal be granted permission and implemented. The reduction in footprint is of particular significance and should be attributed substantial weight as one of the primary purposes of the Green Belt, as recorded in paragraph 143 of the NPPF is to assist in safeguarding the countryside from encroachment. The current proposal achieves this purpose, relative to the fallback position, and should therefore be afforded substantial weight as a very special circumstance.

There are a number of legal cases which highlight the significance of the fallback position as a material consideration to take into account in the determination of planning applications (these include Zurich Assurance Ltd t/a Threadneedle Property Investments v North Lincolnshire Council and Simons Developments Ltd and Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government). The prospect of the fallback position being implemented does not have to be probable, or have a high chance of occurring, but even if the possibility of the fallback position being implemented is only very slight, it can still be considered a material consideration.

In addition, the judgement in Mansell v Tonbridge and Malling Borough Council makes it clear that the reliance on development allowed under the terms of the General Permitted Development Order as permitted development can provide a realistic fallback position in terms of how a site could be developed. As a result, the fallback position constitutes very special circumstances to weigh against the harm caused by inappropriateness and any other harm.

It is submitted that the weight of the very special circumstances is substantial, as if the current application is refused planning permission, the applicant will be able to build out the development set out in the previously granted planning permission and CLD applications recorded above. The applicant has a need for storage and the parking of cars, and it is extremely likely that the permitted development outbuildings (the fallback position) would be implemented in order to provide the storage and garaging space required. The weight to be attached to this is significant and, it is submitted, sufficient to outweigh the harm in relation to openness and any other harm. It will be submitted below that there is, in fact, no “other harm” caused by the proposed development, and as a result, the very special circumstances are only required to outweigh the harm by way of inappropriateness.

This was the general approach that the Council accepted in relation to the granting of planning permission for development at Kipps Cottage, reference 21/02334/HOUSE. Although the application was for an extension to the dwelling, rather than outbuildings, the general principles apply. The officer’s report is appended to this letter. In that development, the planning application was for a single storey rear extension of 16.56sqm, which, when



added to a previous extension, resulted in an increase over the original dwelling by 92%. The proposal was therefore considered to be inappropriate as it significantly exceeded the 50% policy threshold. However, the case officer recognised that a larger single storey rear extension could be added to the property (amounting to 17.2 sqm) as permitted development- which was confirmed through the granting of a Certificate of Lawful Development under reference 21/00813.

The case officer noted in the report that;

“The possible very special circumstances have been identified as:

That an extant permission 21/00813/LDCPR would allow a rear extension to be built. This would have a similar floor area.

That permitted development rights could be removed.

The proposal would result in a rear extension of an equivalent floor area as the extant permission enabling a rear extension of an equivalent size to be built. Though the permitted scheme would have a fully pitched roof and that proposed would introduce a small element of flat roof, thus increasing the overall bulk, it is not considered that this would not be significant in terms of the wider impact on openness.

In reviewing the extent of harm and the potential very special circumstances, it is concluded that the proposal would enable a very similar rear extension to be built as that which could be built under permitted development rights with an equivalent floor area. The removal of permitted development rights would represent a clear advantage over the permitted scheme outweigh the harm to the Green Belt, which would provide additional protection from further development within the Green Belt. This is considered to represent a very special circumstance, which would clearly outweigh the harm identified.”

It is submitted that the same approach should be taken in the case of the current application.

Given the above, it is submitted that the proposed development would have no greater impact on the openness of the Green Belt than the fallback position represented by the previously granted permission and CLD applications recorded above- and in fact would represent a substantially reduced impact on the openness of the Green Belt- meaning that very special circumstances exist and the development is justified in Green Belt terms.

Impact on the character of the area.

The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan. Policy SP1 sets out that “all new development should be designed



to a high quality and should respond to the distinctive local character of the area in which it is situated.” Policy EN1 is a criteria-based policy. Due to the nature of the proposal, a number of the criteria are not relevant. The most relevant criterion is that the form of the proposed development would respond to the scale, height, materials and site coverage of the area.

In relation to the character of the area, the application site is located in an isolated position, surrounded by woodland, and unrelated to either of the nearest settlements. There are no other buildings in the immediate vicinity of the site. The proposed garage is to be sited on the footprint of the previously granted garage permission (21/1853). Whilst the current proposal is of larger proportions, the case officer’s report for that application noted that;

“The proposed garage would be visible in the street scene. However, this is not in itself harmful. The garage would be located in the rear eastern corner of the site and set back approximately 25 metres away from the road. For this reason, it is considered that the proposed garage would not appear unduly prominent.”

Although the proposed garage has a greater footprint, the height of the proposed building amounts to 6.2m. This is 2.2m higher than the previously permitted garage, but is still lower than the main structure on the site (the dwellinghouse) which is 7.8m in height from ground level immediately next to the building, but due to the changes in land levels the dwellinghouse would be up to approximately 9m in height from the road. In addition, the dwelling is very close to the back edge of the highway, whereas the proposed garage will be set some 25m back from the highway, and there is a 2m high laurel hedge as boundary treatment along the western boundary, along the road frontage. The road is the only public vantage point from where the proposed garage could be seen, but given the distance that the structure is set back, and the existing boundary screening, and the siting, in the rear corner of the garden area means that the structure will not be obtrusive, and it is submitted that the Council can come to the same view as the previous case officer- that the proposed garage will not be unduly prominent, and therefore will not be harmful to the character of the area.

The northernmost outbuilding will be located to the rear of the existing dwelling and will be set back behind the front (western) boundary which is substantial. The structure, which in itself is small scale and limited in bulk and mass, will not therefore be readily visible from general public vantage points, and will not result in harm to the character of the area.

In addition to the above, the fallback position represents a development of the site that would result in an array of buildings spread across the garden area, thus diminishing the rural and countryside character of the site and surrounding area. The current proposal would result in a limited number of buildings across the site, which would be a planning benefit and material consideration relative to the fallback position.





Policy EN5 states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape.

The both parts of the proposed development would conserve and enhance the AONB. As described above, the footprint, height and siting of the structures will not result in harm to the wider character of the area. In addition, the use of timber for the external finishing materials would enhance the rural character of the surrounding area. As a result, there is considered to be no harm to the AONB.

The proposed structures, notwithstanding that they will not be highly visible from the public realm, would have a positive impact on the distinctive character of the area by way of their form, design and use of materials, and siting. As a result, there is considered to be no conflict with policies SP1, EN1 and EN5.

Impact on the amenities of adjoining properties.

Policy EN2 of the development plan sets out that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that they would not be subject to overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.

The application site is located in an isolated location, with no immediately adjoining residential properties. As a result, there are no residential properties that would be impacted by the proposed development. The development would result in a satisfactory level of amenity for the future occupiers of the dwelling.

As a result of the above, there is no conflict with policy EN2 of the development plan.

## Conclusion

Although the Council may consider the totality of the proposed development of the garage and outbuilding to be inappropriate in Green Belt terms, the above demonstrates that there are very special circumstances that outweigh the harm to the Green Belt caused by inappropriateness. The very special circumstances amount to the fallback position represented by the previously granted planning permission and CLD's which allow for a greater number of buildings and a greater amount of floorspace and footprint covering the Green Belt. Granting



permission for the current proposal would result in a significant reduction in the amount of built form on the site in particular and the Green Belt in general, positively contributing to one of the purposes of the Green Belt- to assist in safeguarding the countryside from encroachment.

It is also submitted that the current proposal would result in no harm to the character of the area, including the AONB, or the amenities of the adjoining properties. As a result, there is no “other harm” in Green Belt terms.

As the proposed development can be justified by way of very special circumstances, and there is no other harm, it is submitted that the proposed development should be granted planning permission without delay.

Should you wish to discuss any of the above, or arrange a site visit, please feel free to contact me on the details below.

Yours sincerely,



**Appendix 1-** officers report for application 21/02334/HOUSE



Appendix 1

Householder planning application					
Application reference	21/02334/HOUSE	Officer	Guy Martin	Report date	19.11.21
Application site	Kipps Cottage Back Lane Ide Hill KENT TN14 6BP				
Description of proposal:					
Single storey rear extension					
Description of site:					
Kipps Cottage is a semi-detached property located within a rural location.					
Relevant planning history:					
00/00430/FUL	Two storey extension and access from highway.		GRANT	17/05/2000	
01/02232/FUL	Two storey extension, amendment to SE/00/0430.		GRANT	8/11/2001	
21/00813/LDCPR	Erection of single storey rear extension		GRANT	18/06/202	
Constraints:					
Adjacent Ancient Woodland Area of Archaeological Potential Area of Outstanding Natural Beauty - Kent Downs Biodiversity Opportunity Area Green Belt					
Policies:					
National Planning Policy Framework (NPPF)	<p>Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.</p> <p>Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:</p> <ul style="list-style-type: none"> <li>the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or</li> <li>any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</li> </ul>				

	<ul style="list-style-type: none"> <li>Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.</li> </ul>		
Core Strategy	SP1 Design of New Development and Conservation		
Allocations and Development Management Plan (ADMP)	EN1 Design Principles EN2 Amenity Protection EN4 Heritage Assets EN5 Landscape GB1 Limited Extensions in the Green Belt SP11 Biodiversity		
Other	Sevenoaks Residential Extensions Supplementary Planning Document (SPD), SDC Development in the Green Belt SPD		
Representations			
	No.	Issues raised	
Support			
Object			
No comments received	x		
Consultations (x):			
Chevening Parish Council	Support	Object	No Objection x Delegated Powers
(Reason)			
Principal issues:			
<ul style="list-style-type: none"> <li>Impact on the character of the area</li> <li>Impact on neighbouring amenity</li> <li>Impact on the Green Belt</li> <li>Impact on the AONB</li> <li>Impact on the potential Archaeology</li> <li>Impact on the adjacent Ancient Woodland</li> <li>Impact upon biodiversity</li> </ul>			

Impact on the character of the area		
The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP. The Residential Extensions SPD is also applicable.		
Issue	Complies(Y/N)	Reason
Street scene	Y	The proposal would be to the rear of the dwelling and would not impact upon the street scene.
Design, form and proportions	Y	The proposal would extend between the existing dining room and the rear of the dwelling by 3m rising to a height of 4m with a ridged roof with a

		proportionate and appropriate design.
Materials	Y	The materials would comprise of brick/metal clad dark grey walls, with a metal clad roof and standing seam finish that would be appropriate to the site.
Parking	Y	The property would increase to a four bedroom property for which two parking spaces would be required. There would be sufficient parking within the street.
Conclusion	Y	The proposal would meet the requirements of national and local planning policies.

Impact to neighbouring amenity		
Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.		
Issue	Complies(Y/N)	Reason
Light	Y	The only property potentially impacted upon would be the attached property, Beech Tree Cottage. Through incorporating the two tests for light the proposal would not have an adverse impact upon the neighbours light.
Privacy	Y	The proposal would not impact upon the neighbour's privacy.
Visual intrusion	Y	The proposal would not have an adverse impact in respect to visual impact.
Other/ conclusion	Y	The proposal would not have an adverse impact upon local amenities meeting the requirements of national and local planning policies.

Whether the Development is appropriate development in the Green Belt and Impact on openness
<p>As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “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”</p> <p>Paragraph 147 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.</p> <p>Paragraph 148 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.</p>

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form although it can have a visual element. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

Policy GB1 of the ADMP provides the local policy on extensions in the Green Belt.

Issue	Complies(Y/N)	Reason															
GB1a) The existing dwelling is lawful and permanent in nature	Y	The existing house is lawful and permanent in nature.															
GB1b) Responsive design, and harm to openness	Y	The proposal would add a gabled extension that															
GB1c) 50% uplift from the "original" building	N	<p>The property has benefited from a two storey side extension. In reviewing the history,</p> <table border="1"> <thead> <tr> <th></th> <th>m<sup>2</sup></th> <th>% increase</th> </tr> </thead> <tbody> <tr> <td>Original</td> <td>74.28</td> <td>-</td> </tr> <tr> <td>Side extension</td> <td>52.50</td> <td>69.73</td> </tr> <tr> <td>Proposed Extension</td> <td>16.56</td> <td>22.29</td> </tr> <tr> <td>Total</td> <td>121.94</td> <td>92.02</td> </tr> </tbody> </table> <p>The proposal with previous extensions would represent a disproportionate extension exceeding the 50% threshold by 42.02%.</p>		m <sup>2</sup>	% increase	Original	74.28	-	Side extension	52.50	69.73	Proposed Extension	16.56	22.29	Total	121.94	92.02
	m <sup>2</sup>	% increase															
Original	74.28	-															
Side extension	52.50	69.73															
Proposed Extension	16.56	22.29															
Total	121.94	92.02															
Conclusion on appropriateness and impact on openness	N	The proposal would represent a disproportionate extension that would represent inappropriate development within the Green Belt. Very special circumstances have been advocated which are as set out below.															

#### Area of Outstanding Natural Beauty

The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.

There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

Issue	Complies(Y/N)	Reason
Whether the development conserves and enhances the AONB	Y	The proposal would incorporate an appropriate design that would conserve and enhance the AONB.
Conclusion	Y	The proposal would meet the requirements of national and local policies.

#### Impact on potential Archaeology

Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

Where the application is located within, or would affect an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.

Issue	Complies(Y/N)	Reason
Impact on archaeology	Y	The proposal is limited in scale and would not have an adverse impact upon potential archaeology.
Conclusion	Y	The proposal would meet the requirements of national and local policies.

#### Impact upon adjacent Ancient Woodland

Paragraph 175 of the National Planning Policy Framework 2019 states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”

Ancient Woodland lies 15m to the north of the site at which distance is would not be impacted upon by the proposed development.

#### Case for very special circumstances

Para 148 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.



In this case the harms have been identified as:

- Inappropriate development in the Green Belt, which must be given significant weight.
- Harmful to the openness of the Green Belt which is also given significant weight.

The possible very special circumstances have been identified as:

- That an extant permission 21/00813/LDCPR would allow a rear extension to be built. This would have a similar floor area.
- That permitted development rights could be removed

In comparing the current application with the extant permission:

	Floor area (m <sup>2</sup> )
21/00813/LDCPR	17.10
Proposed	17.20

The proposal would result in a rear extension of an equivalent floor area as the extant permission enabling a rear extension of an equivalent size to be built. Though the permitted scheme would have a fully pitched roof and that proposed would introduce a small element of flat roof, thus increasing the overall bulk, it is not considered that this would not be significant in terms of the wider impact on openness.

Conclusion on very special circumstances:

In reviewing the extent of harm and the potential very special circumstances, it is concluded that the proposal would enable a very similar rear extension to be built as that which could be built under permitted development rights with an equivalent floor area. The removal of permitted development rights would represent a clear advantage over the permitted scheme outweigh the harm to the Green Belt, which would provide additional protection from further development within the Green Belt. This is considered to represent a very special circumstance, which would clearly outweigh the harm identified.

Other Issues

Other issues?	No	<input checked="" type="checkbox"/>	Yes	
CIL liable(x)	No	<input checked="" type="checkbox"/>	Yes	

Conclusion:

The proposal would incorporate an appropriate design that would not have an adverse impact upon local amenities, would conserve and enhance the character of the AONB, would not have an adverse impact upon potential archaeology or the adjacent ancient woodland. A condition could be imposed to enhance biodiversity on site. Very special circumstances exist to outweigh the harm to the Green Belt as set out above.

Recommendation (x):

Grant	<input checked="" type="checkbox"/>	Refuse	<input type="checkbox"/>
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Case Officer	Guy Martin	Date	19.11.21
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Manager/Principal	<a href="#">Jim Sperryn</a>	Date	19.11.21
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Assessing claims for self-build annexes and extensions

Legislation

People who extend their own homes or erect residential annexes within the grounds of their own homes are exempt from the levy, provided that they meet the relevant criteria set out in Sections 42A, 42B, and 42C of The Community Infrastructure Levy Regulations 2010 (as amended).

The applicant has submitted a self-build annex or extension claim form and has confirmed all the declarations required.

The applicant is claiming exemption for a residential extension within the definition in Regulation 42A.

Criteria for exemption

(Y/N)

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Does the person who is claiming the exemption own a material interest in the land?		
Does their claim for exemption on the form, ie an annex or extension, match the development applied for in the related application and the CIL definitions of an annex or extension?		
Has the development commenced?		
Recommendation (x):		
Grant	<input type="checkbox"/>	Refuse <input type="checkbox"/>
Reason: (i.e. grant - The applicant has confirmed the declarations for exemption on the form required and the additional criteria referred to in the above table are met. I am therefore satisfied that the applicant is exempt from CIL for planning application 21/02334/HOUSE.		
Manager/Principal		Date: <input type="text"/>