

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**29 February 2012**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site: **Tanglewood, Sevenoaks Road, Ightham**  
Appeal **Against the refusal to grant a certificate of lawful use or development, namely the provision of a new swimming pool, erection of a boiler shed/pump house and erection of a detached ancillary domestic outbuilding to provide changing rooms, home office and games room/summer house**
- Appellant **Mr & Mrs J Sobrany**  
Decision **Appeal allowed and a certificate of lawful use or development is issued**
- Background Papers file : PA/26/11  
Contact: Cliff Cochrane  
01732 876038

Tanglewood is a substantial detached dwellinghouse with an extensive residential curtilage. The latter adjoins a wide swathe of paddock land in the same ownership. The appeal site lies within an Area of Outstanding Natural Beauty and thus, for the purposes of applying the provisions of the GPDO, constitutes 'Article 1(5) land'.

The proposed development comprises the provision of a replacement swimming pool to the rear of the existing dwellinghouse and the erection of two single storey outbuildings adjacent thereto. The smaller of these would be a pool pump room/boiler house/store with a footprint of 9 square metres. The larger, termed a 'pool house' by the Appellants, would measure 6 metres by 15 metres and would be cut into raised land to the south-west of the dwellinghouse. The submitted floor plan depicts changing rooms, a shower room with wc, a home office, a pool table area, a garden room and a kitchenette/bar.

Class E of Part 1 of Schedule 2 to the GPDO provides for the provision as permitted development benefiting from deemed planning permission of, amongst other things, any building or enclosure, swimming or other pool within the curtilage of a dwellinghouse required for a purpose incidental to the

enjoyment of the dwellinghouse as such, subject to compliance with various criteria. It is common ground between the main parties that all the proposed development would take place within the curtilage of the dwellinghouse and that no element of it would contravene the various limitations on size and location set out in paragraphs E.1 to E.3 of Class E.

They further agreed that the swimming pool and smaller outbuilding would be required for purposes incidental to the enjoyment of the dwellinghouse as such. The Inspector concurred and, in particular, agreed that the height of the pool house has been assessed correctly in accordance with Article 1(3) of the GPDO, given that the level of the surface of the ground on which that building would be situated is not uniform. However, there is disagreement between the parties as to whether or not the larger outbuilding is required for incidental purposes.

Case law arising from the judgment in *Emin v SSE & Mid Sussex DC* [1989] EGCS 16 sets out the test to be applied in this regard as '...whether the uses of the proposed buildings, when considered in the context of the planning unit, are intended and will remain ancillary or subordinate to the main use of the property as a dwelling house'. In applying that test regard should be had to '...the use to which it is proposed to put a building and to considering the nature and scale of that use in the context of whether it is a purpose incidental to the enjoyment of the dwellinghouse'.

The size of the outbuilding in relation to that of the dwellinghouse may be an important consideration but is not by itself conclusive. The Court held that the term 'incidental to the enjoyment of the dwellinghouse as such' should not be interpreted on the unrestrained whim of the householder but connotes some sense of reasonableness in the circumstances of the particular case. The judgment also makes clear that the appropriate question to be asked is '...whether the proposed buildings are genuinely and reasonably required or necessary in order to accommodate the proposed use or purpose and thus achieve that (incidental) purpose'.

It is not disputed that the proposed changing rooms, shower room/wc, pool table area and garden room are required for incidental purposes. Nor is it unreasonable to assume that future occupiers of the dwellinghouse would regard such facilities as genuinely ancillary to their enjoyment of the property. Moreover, the Inspector was satisfied that there is no disparity between the size of the proposed pool house and the idea that it would be put to purposes incidental to the enjoyment of the dwellinghouse, the latter being, essentially, substantial six bedroom property suitable for occupation by a large family.

The Council's decision to refuse to grant a LDC hinges on the size of the proposed home office and kitchenette/bar, on the basis that both would duplicate facilities already available in the dwellinghouse. With regard to the

former, the Inspector was mindful that in *Pêche d'Or Investments v SSE* [1996] JPL 311 the Court found that it cannot be assumed, as a matter of law, that a study is excluded from Class E. Such an assessment is a matter of fact and degree, having regard to the particular building and the accommodation proposed.

In this particular case there was no home office or study in evidence when the Inspector inspected the appeal property. He had no reason to believe that the situation may have been otherwise when the LDC application was made, albeit that the dwellinghouse is large enough to accommodate a study and such a use is annotated on floor plans associated with a recent planning permission. In any event, duplication is not in itself indicative that a proposed use is not required for incidental purposes. The Appellants have put forward a cogent and well reasoned explanation as to why a small home office separate from the family's sleeping accommodation is called for. He gave little credence to the Council's unpersuasive counter-argument.

The Inspector accepted that the kitchenette/bar cannot be regarded as essential to the enjoyment of the dwellinghouse as such, given the reasonably close proximity of the property's main kitchen. Nonetheless, the fact that the kitchen could potentially fulfil the same function does not in itself mean that the proposed facility could not be reasonably required. The layout of the proposed pool house is such that the kitchenette/bar could readily function as an adjunct to the garden room and pool table area. Moreover, the size of the property suggests that the facility would, as claimed, be used for purposes ancillary to the use of the swimming pool and other external family activities.

Practical reasons underpin the Appellants' explanation for requiring such provision and indeed, in the Inspector's experience, amenities of this kind are not uncommon within the curtilages of large properties with swimming pools. Whilst the outbuilding has the potential to be used as a self-contained unit of residential accommodation, there is no indication of any kind that this is intended. Nor did he find it likely that the pool house would be put by future occupiers of Tanglewood to purposes other than those intended by the Appellants.

Although the Appellants cite a number of appeal decisions in support of their case, the Inspector did not know enough about those particular schemes to be able to tell whether the comparisons thus drawn are reasonable. They have therefore had little bearing on his assessment, albeit that he found nothing in those decisions to support the Council's contrary stance. The Council makes oblique reference to 'a number of decisions ... where Inspectors have taken a different approach to those referred to by the Appellant' and, in particular, to a recent appeal decision concerning an outbuilding elsewhere in the Borough which led it to change its approach to the interpretation of Class E. However, no details have been provided and, this being so, he found no basis for

concluding that allowing this appeal would be inconsistent with the findings of his colleagues.

The Inspector concluded on the balance of probabilities that, as a matter of fact and degree, the test arising from *Emin* is met by the proposal and that the Appellants have fulfilled the burden of proof in this regard. He therefore found that at the time of the LDC application, the proposal in its entirety would have amounted to permitted development as defined by Class E of Part 1 of Schedule 2 to the GPDO and would have benefited from deemed planning permission by reason of Article 3(1). Accordingly, it would have been lawful.

- 1.2 Site: **1 Crouch Lane, Borough Green**  
 Appeal **Against the refusal of planning permission for the demolition of an existing garage and erection of a detached three bedroom house with parking and access**  
 Appellant **Mr Philip Bennett**  
 Decision **Appeal allowed**  
 Background Papers file : PA/32/11 Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issue to be the effect of the development upon the living conditions of existing and future occupiers of nos. 78 and 80 Maidstone Road, Borough Green.

The appeal site is raised above the carriageway of Crouch Lane and is currently occupied by a large and unattractive detached garage. The garage, which is of brick construction with a low pitch corrugated asbestos roof, is sited close to the highway with no opportunity for screening.

It is proposed to remove the garage and to lower the level of the site by some 1100mm. The submitted drawings indicate a slab level of 85.70m AOD, which compares favourably with the ground levels of nos. 78 and 80 Maidstone Road to the north at 85m AOD.

The new house would be sufficiently set back from Crouch Lane to allow for some meaningful planting within its front garden, in contrast to the existing garage which is close to Crouch Lane and at a higher level. The Inspector considered that subject to the careful use of materials, a scheme of landscaping to the front garden and appropriate boundary treatment, development as proposed will therefore enhance the appearance of the street scene.

The single ground of refusal raises concerns as to the close relationship of the proposed dwelling to the rear elevations of the adjacent properties to the north fronting the main A25 Maidstone Road (nos. 78 and 80). These two semi

detached cottages have rear-facing habitable room windows, noted during the Inspector's site visit as serving a kitchen and bedroom to no. 78 and two bedrooms, a dining room and kitchen to no. 80.

The windows in the case of no. 78 Maidstone Road are in excess of 12m from the north flank wall of the proposed house and will not be affected by the proposal. A two storey extension has, however, been added to the rear of no.80, such that its rear-facing windows are closer to the appeal site.

The Inspector had regard to the relative siting and orientation of the new house and no. 80, the depth of the proposed dwelling and its hipped roof configuration. The ground level of the appeal site is to be lowered and the siting of the new dwelling further removed from no. 80 than the existing, unattractive garage. For these reasons there will be no unacceptable loss of sunlight or daylight to the rear-facing windows of no. 80 Maidstone Road.

The Inspector also considered the effect of the new dwelling upon the rear garden areas of the two cottages. He was satisfied, given the form of the proposed development, that it will not have an overbearing impact or result in a loss of amenity to either property.

For all of these reasons the Inspector found on the main issue that the new structure will not bring about any unacceptable reduction in the living conditions of existing and future occupiers of nos. 78 and 80 Maidstone Road and that development as proposed will accord with the objectives of Policy CP24 of the Council's Core Strategy 1.

- 1.3 Site: **Stoned Lodge, The Street, Ryarsh, West Malling**  
 Appeal **Against the refusal of planning permission for a two storey front extension**  
 Appellant **Mr P Cheeseman**  
 Decision **Appeal dismissed**  
 Background Papers file : PA/41/11 Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issues concern the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling in terms of light and outlook and its effect on the character and appearance of the Conservation Area.

Stoned Lodge is a two storey house set back from the road roughly in line with other properties to the east. 1 Rose Cottages, the neighbouring property immediately to the west is much closer to the road and has side windows which face the flank wall of Stoned Lodge.

The proposal would extend the first floor gabled element and the garage forward of the main front wall of the building in line with the existing flank wall. The Inspector saw during his site visit that the ground floor side window in 1 Rose Cottages serves the dining area in that property. The room has been opened up into the kitchen area which has a smaller window facing the rear garden and another even smaller side window. The room as a whole has limited daylight because of the proximity of Stoned Lodge.

The Inspector considered that the larger side window is a principal window in the kitchen/dining area and that the proposed increase in the length and height of the flank wall of Stoned Lodge would result in an additional and unacceptable reduction in daylight to, and outlook from, the room. He concluded that the proposal would have a detrimental impact on the living conditions of the occupiers of 1 Rose Cottages, contrary to policies CP1 and CP24 of the Tonbridge and Malling Core Strategy 2007 (Core Strategy) and saved policy P4/12 of the Tonbridge and Malling Local Plan 1998 (local plan) which seek to protect residential amenity.

The appeal site is within Ryarsh Village Conservation Area which is characterised mainly by a variety of brick buildings in a loose pattern of development along the two main streets in the village and at the crossroads. Stoned Lodge is a modern house which adds some interest to the street although it appears as something of an anomaly in the area. The Inspector consider that the design of the proposal would reflect the existing style of the building. On the other hand, it would appear somewhat awkward in the detail because of the overhang at first floor level. The Inspector understood that this is to achieve the required accommodation without extending the garage in a way that compromises the parking provision on the site.

The site is close to the centre of the village, and in the Inspector's judgement, the size and bulk of the proposed extension, together with the overhang, would result in the house appearing more prominent in a location where high quality design is particularly important. The Inspector consider that the proposed design would be an unsatisfactory compromise and he was not persuaded that it would result in an acceptable form of development within the conservation area.

The Inspector concluded that the proposal would have a detrimental effect on the street scene and that it would fail to preserve or enhance the character and appearance of the conservation area as a whole. In these respects it would be contrary to Core Strategy policies CP1 and CP24, local plan policy P4/12 and policy SQ1 of the Council's *Managing Development and the Environment* Development Plan Document 2010, insofar as they seek to protect the distinctive character of local areas, particularly conservation areas.

1.4 Site: **Lane Farm House, Mill House Lane, Addington**  
 Appeal **Against the refusal of planning permission for the replacement of an existing two storey barn annexe building with linked annex to main house**

Appellant **Mr S Sanford**

Decision **Appeal dismissed**

Background Papers file : PA/33/11

Contact: Cliff Cochrane  
 01732 876038

The Inspector considered there to be two main issues. The first is whether the development is inappropriate for the purposes of PPG21 and development plan policy and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. The second is the effect of the proposal on the character and appearance of the area.

Lane Farm House is located on a cul-de-sac leading off from The Green in the village of Addington and the Addington Conservation Area bounds the appeal site to the west, south and east. Other properties in Mill House Lane in the vicinity of the appeal site largely comprise detached dwellings with agricultural heritage set in substantial plots. The appeal site comprises, among other things, a large two storey detached dwelling with an extensive residential curtilage and with several outbuildings, one of which is a large two storey barn. It is proposed that this barn is demolished and replaced with a two storey building linked to the dwelling.

The barn is located along the frontage of the appeal property slightly set back from the road and it is therefore highly visible. An evergreen hedge appeared to have been recently planted and when grown, this could potentially screen part of the barn from view. It is currently used for the storage of miscellaneous household and other items. At some time in the past it may have had another use because there is a small shower room with a w.c. on the ground floor and the remains of kitchen units on the first floor. The barn is in a poor state of repair both inside and out, but it is obviously capable of some refurbishment because after this appeal was made permission was given for 'upgrading works to external appearance of ancillary two storey building previously used as residential annex to make building appear more in keeping with the existing property.

The construction of new buildings in the Green Belt is inappropriate unless it is for a purpose specified in PPG23, one of which is the limited extension, alteration or replacement of existing dwellings.

The description of the proposed development is the 'replacement of existing

two storey barn annex building with linked annex to main house'. The development that would be carried out would include the demolition of the barn (which is not an existing dwelling) and the construction of another, that is, the construction of a new building. The second element of the proposal is the glazed link and although it would be joined to the house it would not be an extension to the house because it would not be incidental to the use of the house and its function would be as a covered passageway to another part of the appeal site. The Inspector therefore considered that the link would be a building in its own right.

Therefore, in the Inspector's opinion the proposal is not the limited extension, alteration or replacement of an existing dwelling and it is inappropriate development in the Green Belt. Even if he had reached a different conclusion and the proposal would be an extension, PPG2 advises that the extension of dwellings is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. The original main house has been extended in the past by some 33% and the proposed link and the proposed building, even if they are extensions, cannot by any definition be described as proportionate and limited and they would be inappropriate development.

Inappropriate development in the Green Belt is by definition harmful and the most important attribute of Green Belts is their openness. The proposed building would be smaller in volume and have less height than the current barn and would therefore have little, if any, impact on the openness of the Green Belt, and indeed it may even have a slight beneficial impact. The Inspector also noted that the present porch/utility area of the house would be demolished where the link would join the house. This glazed area adjacent to the house would be considerably bigger and higher than that which it would replace. Overall, the proposed link would have a large footprint and a considerable volume because of its length and height and it would result in a substantial amount of built development in a location where previously there was none. He considered that, even though the proposed new building may result in less volume (albeit modest) than the existing barn, the proposal as a whole would reduce the openness of the Green Belt.

One of the five purposes of including land in the Green Belt is to assist in safeguarding the countryside from encroachment, and the Inspector considered that because of the amount of built development that would result from it, the proposal would conflict with this purpose.

The existing barn has a utilitarian appearance with a number of windows, doors and garage doors which reflect its possible uses in the past and, to the Inspector's mind, its rural location. The proposed replacement would be slightly smaller and would have a domestic appearance. It would have oak timber cladding with Kentish clay roof tiles and flint detailing into the plinth.



There would be glazing at either gable end, with a gable ended dormer and a first floor balcony. The elevation facing the road would comprise cladding with two windows, and there would be a roof light in the roof; this elevation would, in the Inspector's opinion, because of the use of materials and reduction in size, be an improvement on the current barn. But the large glazed gable on the side elevation would be highly visible when approaching the appeal site from Mill House Lane and the Inspector considered that the amount of glazing and the domestic appearance of the building would be over-prominent and out of place so close to the road and in this rural location.

Although it would not be so prominent, the other glazed gable would emphasize the incongruity of the design in this location. As the Inspector mentioned above, the glazed link would have a large footprint and volume; it would include internal planting along one side. It would have a particularly large element with a footprint of some 5.5m x 5m<sup>6</sup> where it would join the main house. It would be a bulky and voluminous structure and its contemporary design would be out of character with its rural location and it would not reflect the scale and character of the appeal site and the existing timber framed house.

Policies CP1, CP14 and CP24 of the Tonbridge and Malling Core Strategy, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document and saved Policy P4/12 of the Tonbridge and Malling Local Plan seek, among other things, to restrict development in the countryside and where development is permitted, seek to ensure that it is designed to respect the site and surroundings and conserve and protect local distinctiveness. For the reasons given above the Inspector considered that the proposal would not comply with these Policies and he concluded that in addition to harm through inappropriateness, the proposal would have a harmful effect on the character and appearance of the area.

The Inspector had to consider whether the harm he has found above is clearly outweighed by other considerations. In this regard he noted that the proposal is supported by a neighbour. He also noted that the ancillary accommodation provided in the new building would be occupied by the Appellant's elderly mother and the Appellant's contention that the glazed link would ensure that the accommodation remained ancillary. However, the personal circumstances of the Appellant could change but the development and the resulting harm would be permanent.

The fallback position is the recently granted planning permission for refurbishment of the barn. There is some dispute between the Appellant and the Council as to the lawful use of the existing building and the use to which it could be put if the permission is implemented. The Inspector considered it was not for him in this appeal to comment on what use the refurbished

building could be put to but implementation of the permission to upgrade its external appearance could not result in any harm to either the Green Belt or the character of the area.

The Inspector therefore concluded that no other considerations have been put forward by The Appellant that clearly outweigh the harm by reason of inappropriateness, reduction in openness, and harm to the character and appearance of the area and they do not amount to the very special circumstances necessary to justify inappropriate development as required by PPG2 and Policy CP3 of the Tonbridge and Malling Core Strategy.

For the reasons given above, and taking all other matters into account, the Inspector concluded that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

- 1.5 Site: **Addington Park Lodge, London Road, Addington**  
 Appeal **Against the refusal of planning permission to enlarge the roof of a detached garage, including dormers, to provide first floor accommodation and the addition of an external stairwell**  
 Appellant **Mr Byford**  
 Decision **Appeal dismissed**  
 Background Papers file : PA/02/12
- Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issues to be:

- (a) Whether the proposal would be inappropriate development for the purposes of Planning Policy Guidance 2: *Green Belts* (PPG2) and development plan policy;
- (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
- (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the area; and
- (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### **Reasons**

*Whether the proposal would be inappropriate development for the purposes of Planning Policy Guidance 2: Green Belts (PPG2) and development plan policy*  
 The proposed development comprises alterations to a modest sized freestanding garage which is sited away from the dwelling but is within a residential curtilage. Neither PPG2 nor Policies CP3 and CP14 of the Tonbridge and Malling Borough Local Development Framework Core Strategy (CS) specifically refer to extensions or alterations of freestanding ancillary buildings within residential curtilages as comprising additions to a dwelling. Further,

there are no specific national or local policies which refer to extensions or alterations to existing ancillary buildings within the Green Belt.

Accordingly, the proposed development is judged to be inappropriate development within the Green Belt and, as such, would be contrary to CS Policies CP3 and CP14 and PPG2. Paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attached to this harm when considering any planning application or appeal. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm, and the other matters in this case, are now turned to.

*The effect of the development on the openness of the Green Belt and the purposes for including land within it*

The proposed external staircase providing access to the first floor accommodation would not materially affect the openness of the Green Belt. However, although there is a difference in ground level, the existing garage can be viewed from the adjoining road and golf course. Based on the available information and submitted plans, the height and volume of the building would be increased by about one third. The proposed increase in height and scale would result in this ancillary building becoming a prominent built form of development when viewed from these locations, particularly from the road close to the access to the appeal site. Accordingly, by reason of the increased height and scale of the building, including the erection of the proposed dormer windows, the appeal scheme would adversely affect the openness of the Green Belt.

The proposed development would not materially conflict with the purposes of including land within the Green Belt as identified in PPG2. However, PPG2 also states that the most important attribute of Green Belts is their openness and, for the reasons given, the proposed development would be contrary to PPG2 and CS Policy CP3.

*The effect of the development on the visual amenity of the Green Belt and character and appearance of the area*

The appeal site includes a 2-storey dwelling and the garage which are sited within an extensive garden area. The site is visually related to the open character and appearance associated with the adjoining golf course rather than the residential and commercial properties which are sited on the opposite side of the road.

The proposed design and materials of the enlarged garage would respect the domestic character of the adjoining dwelling and garden. However, although some views would be filtered by the existing vegetation, there would be views of the enlarged building, including the proposed dormers, from the road and the golf course. By reason of the increase in height and scale, including the addition of the dormers, the resulting building would be a prominent feature which would detract from the generally open character and appearance of the area and would injure the visual amenities of the Green Belt. The appeal scheme would conflict with PPG2 concerning the harm to the visual amenity of the Green Belt.

*If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

Reflecting the Ministerial Statement of 23 March 2011 *Planning for Growth* and Planning Policy Statement 4: *Planning for Sustainable Economic Growth*, significant weight is given to the appellant's claims concerning the use of the proposed first floor accommodation as an office which would enable an existing business to expand and employ local people on a job share basis. Green Belt policies do not preclude the use of buildings for employment purposes and no harm to the living conditions of the occupiers of the dwelling have been identified by the Council. The occupancy of the proposed office accommodation could be controlled by a suitable condition to avoid harm being caused.

Moderate weight has been given to the design of the enlarged building, the absence of any material increase in its footprint and the existing building not being disproportionate in size when compared to the extent of the extensive garden area. However, these matters need to be balanced against the adverse effects of the appeal scheme on the openness and visual amenities of the Green Belt.

Reference has been made to the Council's earlier refusals of planning permission which were not the subject of any appeals. Although the policies of the development plan may have changed since the determination of the previous applications, national planning policy concerning Green Belts has not materially changed since the publication of PPG2. In the absence of the full details of these previous schemes and the earlier development plan policies, little weight has been given to this matter in the determination of this appeal.

The properties on the opposite side of the road have been noted and limited weight has been attached to this matter because of the differences in the character and appearance of either side of the road. How the planning application was handled by the Council and the views which may have been expressed by the Planning officer are not matters for determination as part of this appeal. However, limited weight has been attached to the absence of any objections from the Parish Council and the adjoining golf course.

Only little weight has been given to the appellant's claims that the appeal scheme would not establish a precedent for further development. Any other proposals would be judged on their own planning merits taking into account Green Belt policies. The change from a flat roof to a pitched roof form at an earlier date does not affect the determination of this appeal.

Because the National Planning Policy Statement has only been published in draft and may be the subject of change, little weight has been given to the emerging policies concerning economic growth and the presumption in favour of sustainable development. Although some information has been provided by the appellant, there is insufficient evidence to reach a judgement whether, as referred to in CS Policy CP14, a rural location is essential for the proposed use.

**Conclusion**

On balance, it is judged that the other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, harm to the openness of the Green Belt, harm to the visual amenity of the Green Belt, harm to the character and appearance of the surrounding area and the conflict with national and local policy.

In the Planning Supporting Statement, the appellant has referred to Article 8 of the European Convention on Human Rights and the Inspector recognised that if this appeal were to be dismissed then it would interfere with the appellant's home and family life. However, this must be weighed against the wider public interest. For the reasons given above, he found that the proposed development would cause harm by reason of inappropriateness, harm to the openness of the Green Belt, harm to the visual amenity of the Green Belt, harm to the character and appearance of the surrounding area and conflict with national and local policy and he was satisfied that these legitimate aims can only be adequately safeguarded by the refusal of planning permission. On balance, he considered that the dismissal of this appeal would not have a disproportionate effect on the appellant. For the same reasons given in respect of Article 8, he considered that the interference with the appellant's peaceful enjoyment of the property is proportionate and strikes a fair balance in compliance with the requirements of Article 1 of the First Protocol.

Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should not succeed.

**Adrian Stanfield**

Chief Solicitor