

**DEVELOPMENT CONTROL COMMITTEE**

**12 March 2015 at 7.00 pm**

**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsler, Firth, Gaywood, McGarvey, Orridge, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe and a vacancy

**Pages**

**Apologies for Absence**

**1. Minutes**

To approve the minutes of the meeting of the Committee held on 19 February 2015 as a correct record.

(Pages 1 - 8)

**2. Declarations of Interest or Predetermination**

Including any interests not already registered

**3. Declarations of Lobbying**

**4. Planning Applications - Chief Planning Officer's Report**

**4.1. SE/14/03298/FUL - Dunton Green Faithworks, The Old Chapel, London Road, Dunton Green Sevenoaks TN13 2TB**

(Pages 9 - 18)

External alterations to existing single-storey chapel to include remodelling of the entrance lobby with a new front single-storey extension, installation of high level window to the main frontage and infill extension to kitchen, alteration to fenestration and new perimeter fencing on north elevation.

**4.2. SE/14/03829/HOUSE - 55B Hartslands Road, Sevenoaks TN13 3TW**

(Pages 19 - 28)

Two storey side extension and front porch infill.

**4.3. SE/14/02899/CONVAR - Mobile Home At Station Court, Sevenoaks Road, Halstead TN14 7HR**

(Pages 29 - 44)

Removal of conditions 1 (temporary period of three years) and 2 (occupation) of planning permission SE/11/01510/FUL - permanent use of the land as a gypsy and traveller caravan site including proposed amenity buildings.

## **EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

**If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000**

For any other queries concerning this agenda or the meeting please contact:  
The Democratic Services Team (01732 227247)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 9 March 2015.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 19 February 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Gaywood, Mrs. Parkin, Miss. Stack and Walshe

Apologies for absence were received from Cllrs. Bosley, Cooke, Edwards-Winsler, Firth, McGarvey, Orridge and Underwood

Cllrs. Ayres, Mrs. Hunter, Maskell and Piper were also present.

101. Minutes

Resolved: That the minutes of the Development Control Committee held on 29 January 2015 be approved and signed by the Chairman as a correct record.

102. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

103. Declarations of Lobbying

There were none.

Unreserved Planning Applications

There were no public speakers against the following items and no Member reserved the item for debate. Therefore, in accordance with Part 7.3(e) of the constitution, the following matters were considered without debate:

104. SE/14/03832/LBCALT - Gottys Hill, High Street, Cowden, Kent TN8 7JL

The application was for the subdivision of existing kitchen to form two rooms. Reorganisation of space/area on ground floor of "Old Barn" to form kitchen and family room, and repositioning of staircase. Alterations to fenestration.

The application was brought to Committee as the officer's recommendation was contrary to the Parish Council's. There was currently no Ward member for Cowden and as such the application must be determined at Development Control Committee.

Resolved: That planning permission be granted subject to the following conditions:

- 1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

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In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The proposed stud wall to be erected to subdivide the existing kitchen shall be constructed so that it can be removed at a future date without damaging the surrounding historic fabric of the Listed Building.

To maintain the integrity and character of the listed building as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) No development shall be carried out on the land until details of the external materials to be used for the works hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the Listed Building as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 2014/PL/202 Rev A date stamped 18 DEC 2014

For the avoidance of doubt and in the interests of proper planning.

#### 105. SE/14/03716/HOUSE - Elmtree Cottages, Main Road, Knockholt, Kent TN14 7JB

The application was for the erection of a single storey rear extension with the addition of two roof lights and the erection of a single storey front extension to create a porch. Alterations to the fenestration.

The application was referred to committee as the applicant is a member of staff and therefore under the Council's Constitution the application must be determined by the Development Control committee.

Resolved: That planning permission be granted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the existing dwelling as supported by Policy EN1 of the Allocations and Development Management Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 79829/1, 79829/2 date stamped 27 November 2014.

For the avoidance of doubt and in the interests of proper planning.

- 4) The western facing window within the rear extension will be obscure glazed and non opening unless the parts of the window which can be opened are more than 1.7 meters above the floor of the room in which the window is installed.

To protect the privacy of no. 6 Elmtree Cottages as supported by Policy EN2 of Sevenoaks District Councils Allocations and Development Management Plan.

106. SE/14/02059/FUL - New Beacon School, Brittain Lane, Sevenoaks TN13 2PB

The application was for the demolition of existing changing hut, equipment stores and viewing gallery. Extension of existing Sports Hall and changing rooms, including new viewing gallery and IT Room. Removal of 4 no. existing trees. Planting of replacement trees.

The application had been referred to Committee with reference to the objections raised by the Town Council.

Members' attention was brought to the main agenda papers and the late observation sheet which proposed amendments to conditions 3, 4, 5, 8, 9 and for condition 12 to be deleted.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Michael Mamalis
Parish Representative:	Cllr. Piper
Local Member:	Cllr. Mrs. Hunter

Members asked questions of clarification from the Speakers and Officers.

It was moved by the Chairman and duly seconded that the recommendations in the report to grant planning permission subject to the amendments set out in the late observations sheet, be agreed.

Members discussed whether the wording on condition 10 could be amended so that a community use agreement be implemented prior to commencement of the development and the feasibility of a condition for timings on the use of the sports hall. It was discussed whether there could be an informative so that where the trees were being

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removed, more mature trees could be used that would reach maturity more quickly. Some Members expressed concern at the possibility of increased traffic to the site.

With the agreement of the Committee the Chairman altered the motion to include: an additional informative in relation to condition 8 to give the preferred size for tree planting; an amendment to condition 10 to require submission and approval of any agreement prior to commencement of development; and an additional condition relating to hours of use, particularly evening use, to be drafted in consultation with the local Members and Applicant subject to the complete application being referred back to Committee if an agreement could not be reached on the wording of that condition.

Resolved: That subject to agreement being reached between local Members and the Applicant on the drafting of a condition relating to hours of use (failure to agree resulting in the complete application being brought back to Committee for further consideration), planning permission be granted with that condition and the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (06)001A, (06)002A, (07)001A, (07)002B, (07)003A, (07)004A, (07)005A, (07)006B, (08)001A, (08)002A, (08)003A, (09)001A, (09)003B

For the avoidance of doubt and in the interests of proper planning.

- 3) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the locality as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) The development shall achieve a BREEAM very good standard. Evidence shall be provided to the Local Authority -
  - i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM very good standard or alternative as agreed in writing by the Local Planning Authority; and
  - ii) Prior to the occupation of the development, that the development has achieved a BREEAM post construction certificate minimum level very good or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported by Policy SP2 of the Sevenoaks Core Strategy.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works

To ensure the impact of the construction of the development is acceptable within the locality.

- 6) Works on the main building shall not commence unless the local planning authority has been provided with either:
- a) A licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
  - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

In the interests of the biodiversity of the site in accordance with SP11 of the Core Strategy.

- 7) Prior to the use of the development hereby permitted, a scheme for the enhancement of local biodiversity including bird nesting features shall be submitted and approved in writing by the local planning authority. The development shall not be used until the approved details are implemented, and they shall be retained thereafter

In the interests of biodiversity in accordance with SP11 of the Core Strategy.

- 8) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants and trees to be retained and new planting / trees);-a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan..

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- 9) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan..

- 10) No development shall be carried out on the land until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement shall include details of how the school will make the facility available for non-school users and community sports groups. The approved Scheme shall be implemented upon commencement of use of the development and operated thereafter.

To ensure that the benefits of the proposal outweigh any negative impact upon the openness of the Green Belt in accordance with the National Planning Policy Framework.

- 11) The development shall be carried out in accordance with the ecological mitigation measures outlined in section 5 of the Ecological Scoping report dated 14.2.2014

In the interests of the biodiversity value of the site and SP11 of the Core Strategy

- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development wheel washing facilities measures to control the emission of dust and dirt during construction

In the interests of the amenity of dwellings within the locality

#### Informatives

- 1) Kent Ecology has advised that there is vegetation and buildings on site which is suitable for breeding birds. They advise that this should only be removed outside of the breeding bird season (1st March and 31st August inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before the work is carried out to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.



- 2) With regard to condition 8 the Council's arboricultural officer recommends that replanting is with native woodland species of extra heavy standard specification of 14-16cm girth.

107. SE/14/03579/HOUSE - 48 Granville Road, Westerham TN16 1RS

The proposal was for the demolition of existing outbuilding. Erection of a single storey rear extension.

The application had been called to Development Control Committee by Councillors Maskell and Bracken so that the compatibility of the scheme with guideline 4/6 of the Westerham and Crocken Village Design Statement which related to flat roofs could be discussed.

Members attention was brought to the main agenda papers and late observations which did not propose any amendments.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Councillor:	-
Local Member:	Cllr. Maskell

Members asked questions of clarification from the Speakers and Officers. The Planning Manager advised Members that the Chapter relevant from the Visual Design Statement was specific to the town centre and that the property was based within a residential area.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission be agreed.

Members discussed the Visual Design Statement and that the Area Design Management Plan was clear in regards to Town Centre boundaries. Members noted that the Council had no policy ruling out all flat roof extensions.

The motion was put to the vote and it was

Resolved: that planning permission be granted subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The materials to be used in the construction of the development shall be those indicated on the approved plan 1362.

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To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Allocations and Development Management Plan.

- 3) The development shall be carried out in accordance with the following plans, 1362 (proposed only), site plan received 12th November 2014

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Allocations and Development Management Plan and the National Planning Policy Framework.

THE MEETING WAS CONCLUDED AT 8.10 PM

CHAIRMAN

4.1 – SE/14/03298/FUL Date expired 6 February 2015

**PROPOSAL:** External alterations to existing single-storey chapel to include remodelling of the entrance lobby with a new front single-storey extension, installation of high level window to the main frontage and infill extension to kitchen, alteration to fenestration and new perimeter fencing on north elevation.

**LOCATION:** Dunton Green Faithworks, The Old Chapel , London Road, Dunton Green Sevenoaks TN13 2TB

**WARD(S):** Dunton Green & Riverhead

**ITEM FOR DECISION**

The application has been referred to Development Control Committee by Councillor Brown so that highway implications and the impact on the streetscene can be discussed.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) The development shall be carried out in accordance with the following plans, 13051 205 P2 (proposed only) 13051 204 P2 (proposed only), 13051 201 P1, 13051 203 P1 (proposed only), 13051 206 P1 (proposed only), 13051 202 P1 (proposed only)

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Allocations and Development Management Plan and the National Planning Policy Framework.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may

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arise in the processing of their application,

- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line:  
([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp))
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice and in the light of the advice amended the application to address these issues.

### Description of Proposal

- 1 This Planning Application is a re-submission (planning reference SE/13/03560/FUL refers). This application was refused on the following grounds:  
*By virtue of the scale, setting and design of the dormer windows, entrance lobby and fencing the proposal would result in a form of development that would appear detrimental to the character of the existing building and be an incongruous feature within the wider street scene. This is not in accordance with policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.*
- 2 The current scheme seeks to overcome these grounds for refusal by reducing the size of the fence to the front of the proposed play area (from 1.8m to 1.3m) and changed from a close boarded fence to a wall (0.5m) with railings above.
- 3 The entrance to the site has also been altered to maintain more of the original features of the building. The dormer windows have also been removed.
- 4 Please note - The proposal is not for the change of use from a church to a day nursery as both of these uses fall within Class D1 of the Use Class Order. Therefore this change of occupier can be carried out without the need for planning permission.
- 5 The applicant has confirmed that there will be 15 children's places and five staff members. No opening hours have been provided by the applicant. However, as this application is not for a change of use, it is not considered that this information is necessary.

Officer Note: It would also not be reasonable to limit the hours of use as all they are applying for are the external changes.

### Description of Site

- 6 The site is a detached building on a corner plot with London Road and Donnington Road. Although currently empty the site has been previously used as church, which would fall within Class D1. The site faces a busy main road through Dunton Green.
- 7 The character of the area is residential although there is a parade of shops to the south of the site. There is a grassed area to the north of the building which is currently overgrown. It is proposed to enclose this area of land for use as an outdoor play area.
- 8 The land to the rear of the Old Chapel is not included in the application site.

### Constraints

- 9 Airfield Safeguarding Zone
- 10 Air Quality Management Area
- 11 Landfill Site

### Policies

#### *Sevenoaks Core Strategy*

- 12 Policy - SP1

#### *Allocations and Development Management Plan*

- 13 Policies - EN1, EN2, T2

#### *Other*

- 14 National Planning Policy Framework
- 15 Sevenoaks Residential Character Area Assessment.

### Relevant Planning History

- 16 SE/ 13/02074/FUL - External alterations to an existing single storey chapel to include partial demolitions and the construction of a new single storey front and side extension, alterations to fenestration, construction of 3 no. new roof dormers, new mezzanine floor level, new perimeter fencing and new outdoor play area. REFUSED.
- 17 SE/13/03560/FUL - Planning Application re-submission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing. REFUSED. (For reason see Paragraph 1)

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### Consultations

#### *Parish Council*

- 18 Objection and reasons: Dunton Green Parish Council feels that this submission does not address the main concerns that were raised with regard to the original applications (SE/13/02074/FUL & SE 13/03560/FUL) and as a result its original objections are still valid.
- 19 Dunton Green Parish Council objects to this application on a number of grounds:
- 20 Traffic impact: there is no information about the impact of additional traffic and parking requirements. There are no details about the number of staff and any staff that park in the area will negatively impact on what is already an oversubscribed area in terms of parking demand. There is no room in Donnington Road for additional parking and the impact on London Road will be significant. In addition, there is no detail with regard to the impact of additional demand for parking for the drop off and collection of children to and from the nursery. Again, the Parish Council is concerned about the impact on residents and other organisations in the immediate locality and the fact that the increased volume of cars at peak times will create a significant traffic hazard.
- 21 Whilst there is no application for change of use, the Chapel has not been used as a meeting place on a daily basis for decades and the highways impact of its intended use as a nursery cannot and should not be underestimated.
- 22 Street Scene: the Old Chapel is one of the oldest buildings in Dunton Green. The proposed changes, to what is the current entrance and the fenestration, change the look of the building and have a detrimental impact on the street scene.
- 23 Air quality: the provision of a children's play area of limited size and its proximity to the main road is of concern given that London Road is a major commuter road and is affected by low air quality.

#### *Kent Highways*

- 24 Number of staff, pupils and hours of opening not specified. As we stressed in our response to 13/02074, this is an unsuitable location for a nursery due to lack of available places to park. This results in highway safety concerns. I visited the site at approximately 8am on a weekday morning at which time there were few places to park nearby, specifically one free space on the nearside of the road, one space in the layby almost opposite, and three spaces in Donnington Road. Clearly the availability of parking places will vary from day to day and according to the hour. As can be seen at another nursery less than a mile away, some parents park their cars inappropriately (e.g. on the verge, even on a traffic island) when delivering their children to their nursery. It is likely that, due to lack of obvious places to park, the proposals will result in parents parking on the double yellow lines flanking the junction with Donnington Road, thereby reducing visibility and causing a safety hazard. Pictures of the site on Google Streetview show an example of a car apparently parked on the double yellow lines at this junction.
- 25 However, unfortunately planning legislation allows the use of the Chapel as a nursery without planning permission, so there appears to be no viable highways basis for objecting to the present proposals.

*Further comments:*

- 26 Whilst the Parish Council welcomes the prospect of the chapel being utilised any alterations should be sympathetic to the heritage of the building and not alter the street scene be that in terms of physical changes to the external appearance of the building or in terms of a significantly increased demand for on road parking on an already overstretched area.

Representations

- 27 12 neighbours have been consulted
- 28 One neighbour response has been received which objects, on the following grounds,
- Rubbish
  - Noise pollution
  - Highways

**Chief Planning Officer's Appraisal**

Impact on the Existing Building and the Street Scene

- 29 Paragraph 60 of the National Planning Framework states that planning decisions should not attempt to impose architectural styles through unsubstantiated requirements to conform to certain development forms or styles.
- 30 Policy EN1 of the Allocations and Development Management Plan states that new development should meet a number of criterion including, development responding to the scale, height, materials and site coverage of the area. Policy SP1 of the Core Strategy supports.
- 31 The Sevenoaks Character Area Assessment includes a section on the Donnington Road/London Road Area, and lists both distinctive positive features in the area and design guidance for future development.
- 32 The existing building is single storey with a pitched roof. It has a lower ridge height than the surrounding dwellings which is a mix of styles.
- 33 With regard to the alterations proposed to the entrance way, this part of the proposal will also be subservient to the main building, and has been designed to maintain the fenestrations, style and shape of the original building.
- 34 The alterations to the side extension involve infilling a current gap adjacent to the main dwelling and continuing the roof. This will not be widely visible from the neighbouring properties or the street scene.
- 35 The overall height of the structure will not be increased. The proposed fence will enclose the site to a greater degree and result in a loss of greenery to the street scene. However the street scene is already urban in character and although there are no similar fences in the immediate area it is not felt that this form of

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development would be out of place, as it has been designed to retain a degree of openness.

- 36 The Parish have raised concerns regarding the character of the building referring to it as one of the oldest in Dunton Green. The Sevenoaks Residential Character Area Assessment does refer to the area as a residential area with some business use and the buildings being early 1890's to 1900s. The Old Chapel is not picked out individually in the Assessment, but it does make a valuable contribution to the character of the area
- 37 Although the proposals will alter the appearance of the building to some extent they will not be an incongruous feature or so harmful to the character of the building and the wider area as to be detrimental to the street scene.
- 38 Given the above it is felt that the proposal will not have an unacceptable impact on the character of the existing building or the wider area. The development would comply with local and national policies.

### Impact on residential amenity:

- 39 Policy EN2 of the Allocations and Development Management Plan states that adequate residential amenities should be safeguarded for existing and future occupiers. Development which results in excessive form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 40 The proposal most likely to be affected by the proposal is 187 London Road, immediately adjacent to the site.
- 41 There are a number of windows on the facing elevation of 187 London Road, two at ground floor level, three at first floor level and one on the roof. None of these windows are obscure glazed and it is likely that they serve habitable rooms.
- 42 In terms of outlook and loss of daylight/sunlight the windows in the upper storeys are unlikely to be affected.
- 43 The windows on the ground floor already look on to the existing single storey extension to the building. As part of the current scheme the existing side projection on the chapel will not be altered and therefore in terms of daylight and outlook the existing situation on site will not be altered.
- 44 The flank elevation of this property is 1 metre from the boundary with the Old Chapel. The two buildings are separated by an access path which appears to be in the curtilage of 187 London Road and leads to their rear amenity area. Due to the close proximity of the two properties I do still have some concerns regarding the noise from the play area that will be immediately adjacent to this access track. As previously mentioned however, permission is not required to use this area as a play area and therefore it would be unreasonable to refuse the application on these grounds.
- 45 A fence is proposed around this area which would be 1.8 metres in height, however this will be posts set on a low wall (0.5m) with rails on top. Previously, concerns were raised about the impact on outlook to the ground floor windows on the flank elevation of 187 London Road. However it was concluded that the



impact of the previous scheme on the amenities of this neighbour was not considered sufficient grounds for refusal.

- 46 The changes proposed reduce the feeling of enclosure on the site, and the impact on outlook from facing windows.
- 47 There is no policy in the Local Plan which relates to assessing the impact of proposals that are directly opposite neighbours' windows. However The BRE (Building Research Establishment) do set out a 25 degree test that can be useful in assessing the impact of daylight. A 25 degree line is drawn from the centre of the window likely to be affected. If an obstructing building creates an angle of greater than 25 degrees from the horizontal, measured from the centre of the lowest window, then a more detailed check is required.
- 48 In this case the 25 degree line is obstructed by the existing building on site; however the 25 degree line will pass over the top of the proposed fence. Therefore, the existing situation on site will not be altered and there will be no further loss of light as a result of this proposal.
- 49 Whilst it is understood that there will be concerns in regard to the impact of the use on residential amenity, planning permission is not required for the use. The external works proposed are considered to be in accordance with policy and would not have a detrimental impact on the residential amenity of adjacent properties or warrant refusal of the application.

### Highway Safety

- 50 Kent Highways have raised concerns regarding the impact of the proposal on highway safety, however they conclude by saying that these concerns are related to the use and not the development proposed. As permission is not required for the change of use it would be unreasonable to refuse the application on these grounds.

### Air Quality

- 51 The Parish Council have raised concerns with regard to the Air Quality and the impact of a play area so close to a main road. Paragraph 109 of the National Planning Policy Framework states that new and existing development should not be put at an unacceptable risk from air pollution. Environmental Health were not a required consultee on either application although they have provided informal views. Environmental Health have raised no objections as the amount of time children are likely to be exposed to poor air quality is limited. Based on this view it is considered that a refusal on Air Quality grounds would not be justified.

### Other issues

- 52 There are a limited number of ways in which an existing use of land can be lost at law. One such way is by abandonment as stated by *Hartley v Minister of Housing and Local Government [1970] 1 Q.B.413*. Where a use is abandoned, the land will have a nil use and planning permission would be required to resume the former use.

## Agenda Item 4.1

53 In *Castell-y-Mynach Estate (Trustees of) v Secretary of State for Wales [1985] J.P.L. 40* the Court of Appeal held that four factors should be considered. They are:

- *the physical condition of the building(s),*
- *the period of non-use,*
- *whether there had been any other use and,*
- *the owner's intentions.*

54 The building is still in physically good condition, and there has been no other use on the site since the chapel ceased to operate. In addition the owner has intended to use the site as a nursery since 21.08.13 when the first application was submitted. In light of the above officers would take the view that the site had not been abandoned in this instance.

### **Conclusion**

55 The proposal would not have an unacceptable impact on the street scene or the amenities of the neighbouring properties.

56 The concerns with regards to highways have been noted however as the building can be currently used as a nursery without planning permission it would be unreasonable to refuse the application on the grounds of highway safety.

57 Given this I recommend the application for approval.

### **Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

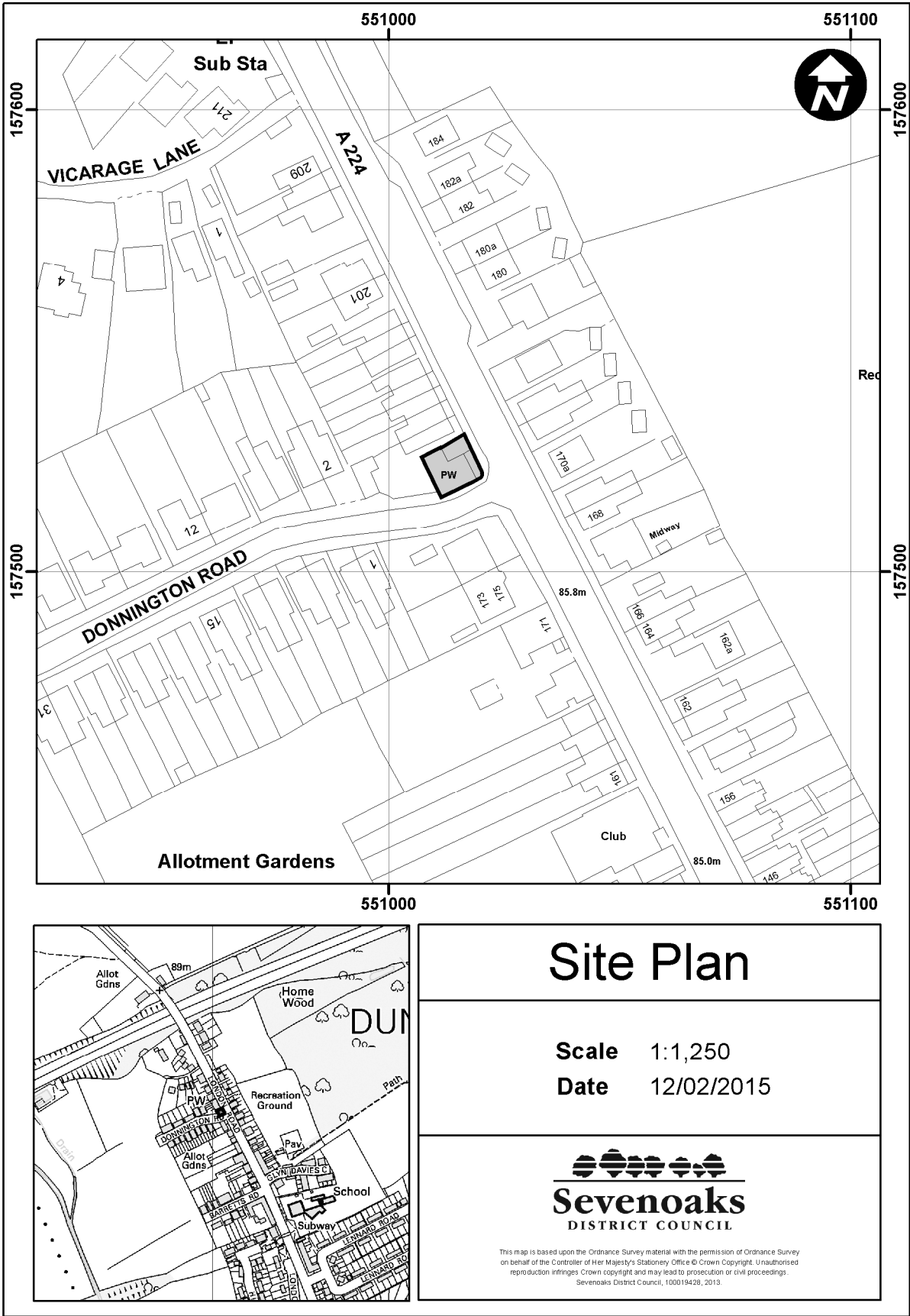
**Richard Morris**  
**Chief Planning Officer**

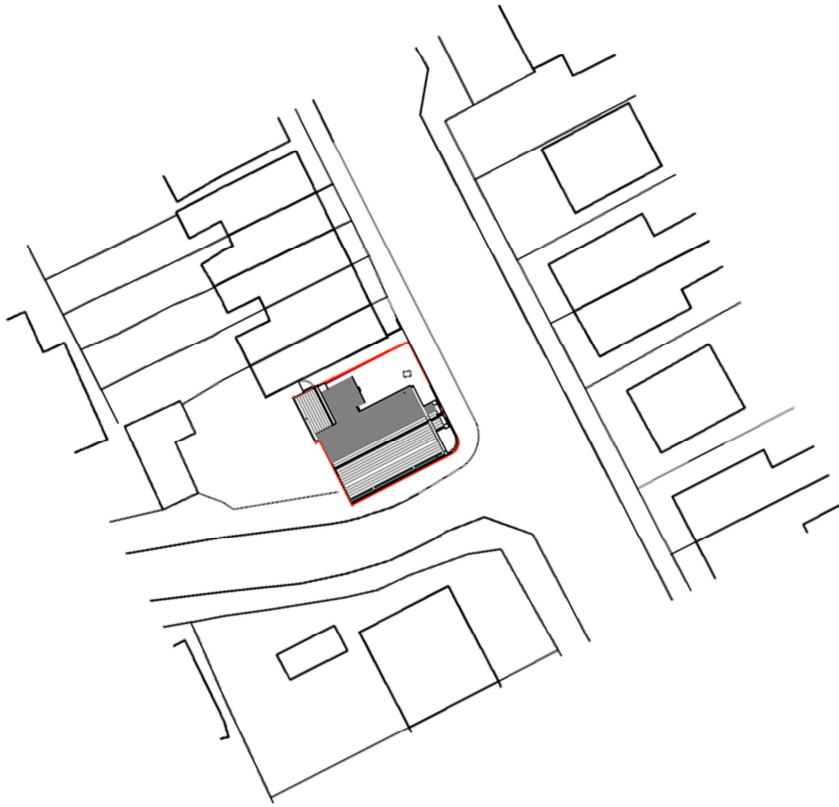
Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDIZJ5BKHG300>

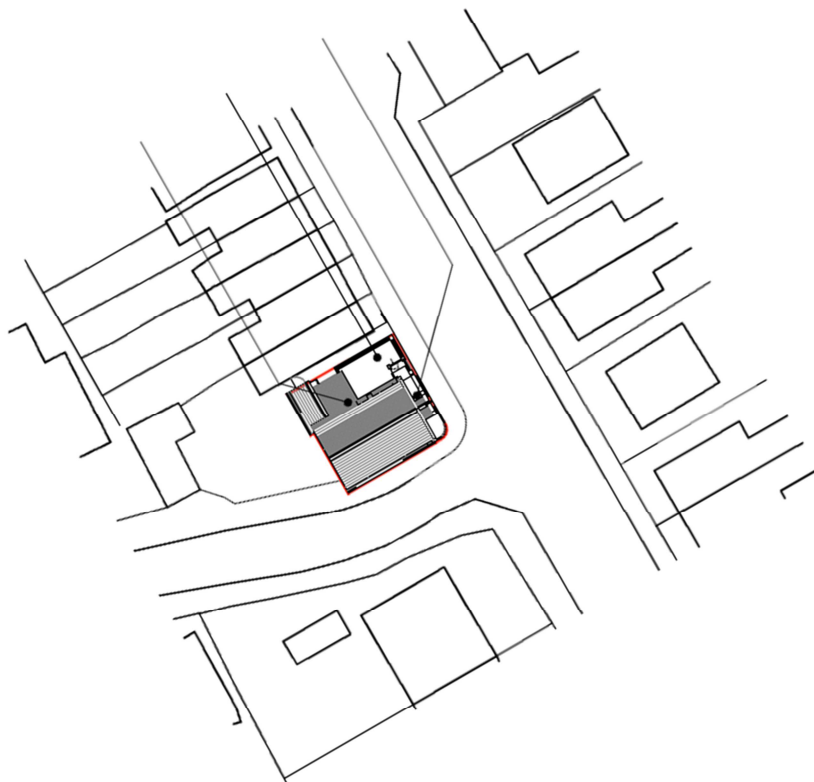
Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDIZJ5BKHG300>





EXISTING



PROPOSED

4.2 -SE/14/03829/HOUSE Date expired 11 February 2015

PROPOSAL: Two storey side extension and front porch infill.

LOCATION: 55B Hartslands Road, Sevenoaks TN13 3TW

WARD(S): Sevenoaks Eastern

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Mrs Purves who is of the view that the proposal would result in a detrimental impact on the residential amenities of the occupiers of 57 Hartslands Road and would result in a loss of off-street vehicle parking.

RECOMMENDATION: That planning permission be Granted subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, HART/3B, HART/4 and HART/6B.

For the avoidance of doubt and in the interests of proper planning.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) The first floor bedroom window in the northern rear elevation of the approved extension shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,

## Agenda Item 4.2

- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

### Description of Proposal

- 1 The application seeks the approval of the erection of a two storey side extension to the existing house and the infill of the existing front porch.
- 2 The proposed addition would tie into the existing eaves height of the house but have a lower roof height than the existing property by a metre, it would be a maximum of 2.4m wide, narrowing down in width where the side boundary of the site tapers in to retain a gap of a metre to the shared boundary. The proposed extension would have a front facing ground floor window and a ground and first floor rear facing window.
- 3 The proposed infill of the existing front porch would mean that the front door would be brought forward to the front wall of the existing house from its current position set back 0.7m from the front wall.

### Description of Site

- 4 The application site comprises a two storey, semi-detached dwelling, located on the north side of Hartslands Road, close to the junction with Sandy Lane. The land falls away slightly from the street to the rear of the site. Being sited on a bend in the road the orientation of the dwelling and the neighbour to the east, 57 Hartslands Road, is such that the property tapers into the shared boundary. The street is formed of mainly semi-detached dwellings and the street backs on to the rear gardens of properties on Bayham Road to the south and east.

Constraints

- 5 The site lies within the built urban confines of Sevenoaks and adjacent to the Hartslands Road Conservation Area.

Policies

*Sevenoaks District Core Strategy*

- 6 Policies – L01, L02 and SP1

*Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 7 Policies – SC1, EN1, EN2, EN4 and T2

*Other*

- 8 The National Planning Policy Framework (NPPF)
- 9 The National Planning Practice Guidance (NPPG)
- 10 Residential Extensions Supplementary Planning Document (SPD)
- 11 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)
- 12 Hartslands Road Conservation Area Appraisal and Management Plan

Planning History

- 13 SE/11/00201 - Erection of single story rear extension and first floor rear extension. Granted 31.03.11
- 14 SE/12/00643 - Variation of conditions 2, 3 and 4 of SE/11/00201/FUL - Erection of single storey rear extension and first floor rear extension. To block up small kitchen window and match existing, rooflight to have height above flat roof finish, relocate new window from first floor east side of house to the north and all new build running flush with existing pebbledash finish be rendered to match existing, ground floor new build walls which do not run flush be finished in smooth render, new built north kitchen & bathroom be finished in smooth render. Granted 16.05.12

Consultations

*Sevenoaks Town Council – 08.01.15*

- 15 ‘Sevenoaks Town Council unanimously recommended refusal on the following grounds:
- the two story extension would affect the amenity of the neighbouring cottage at no 57 Hartslands Road as it would overshadow two windows affecting main rooms - the kitchen window and the stair well window which helps light the main living room, as well as the glazed door which gives light to the living room
  - the extension would affect the setting of the weather boarded cottages which contribute to the Conservation Area, bringing the 1950s style

## Agenda Item 4.2

- building close to the boundary and partially obscuring the view of the cottages from the road
- it would also eradicate the gap separating the different periods of building in the conservation area, as well as the visual gap across the roof scape to the North Downs, which is an important part of the street scene
- in addition the extension would remove the off street parking space for no 55B, as it would occupy a space previously occupied by a garage, in an area where on street parking is in short supply.'

### Representations

- 16 One letter of representation has been received objecting to the scheme on the grounds of the proposed extension being unneighbourly, loss of light, overshadowing, impact on the adjacent conservation area, loss of view between the extension and neighbouring property, loss of a parking space and impact on the character of the area.

### **Chief Planning Officer's Appraisal**

- 17 The main issues in the consideration of this application are the potential impact on the character and appearance of the area and the potential impact on residential amenity. Other issues include loss of an off-street parking space.

### Main Issues

#### *Impact on the character of the area –*

- 18 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)
- 19 Policy SP1 of the Core Strategy states 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.
- 20 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 21 In proposing new development within the Bayham Road Area, which includes the application site, the Residential Character Area Assessment SPD states that development should be set back from the road, the harmonious palette of white painted render, half timbering, hung tiles and contrasting brickwork should be respected in Bayham Road, the characteristic roof profile should be respected in Bayham Road, traditional detailing should be retained in Bayham Road, and the setting of Hartslands Conservation Area should be protected or enhanced.
- 22 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.



- 23 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 24 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.
- 25 The Hartslands Road Conservation Area Appraisal describes the character of Hartslands Road as having 'A strong sense of enclosure', which is 'provided to the street by the narrow street, with no footway to the south, high boundary walls, fences or buildings and mature specimen trees which enclose the eastern boundary and the buildings (some terraced) set close to the western side of the street.' The conservation area appraisal also explains that 'Hartslands Road is set on the highest part of the proposed Conservation Area and as a result, is visible from other parts of it. Glimpses of the North Downs give a sense of relief to the enclosed street.' The adjacent property to the east, 57 Hartslands Road, is identified as being a building that contributes to the character of the area but as noted above the application site is located outside of the conservation area.
- 26 The proposal comprises the erection of a two storey side extension to the existing house and the infill of the existing recessed porch to the front door of the property. The side extension would be modest sized, subservient to the main house and would retain a metre gap to the shared boundary with No.57.
- 27 The treatment of porches of neighbouring semi-detached properties varies but each has already been infilled. The infill of the porch of No.55B would therefore be acceptable.
- 28 The addition to the side of the house and alterations to the existing porch would also be finished in materials to match the existing property.
- 29 I am therefore of the view that the proposed extension would respect the established pattern of development being set back from the public highway, in line with the existing house. It would respect the existing palette of materials of the property and would respect the roof profile of the existing building.
- 30 As noted above, the adjacent conservation area is characterised by the narrow street and feeling of enclosure, with glimpses of the North Downs. The proposed side extension and infill of the porch would respect these characteristics since the addition would be set back from the street, would be modest in size, and would retain a gap of 1m to the shared boundary and just over 3m to the side wall of No.57, and the infill of the porch would be carried out within the existing built form of the house.
- 31 The width of the street would therefore be unaffected, the feeling of enclosure would be retained and a glimpse of the North Downs would be retained between the extension and No.57. In addition, No.57 itself would be unaffected by the proposed extension and alteration.
- 32 I am therefore satisfied that the development would not harm the setting of the adjacent conservation area.
- 33 The proposal would therefore preserve the character and appearance of the area and would conserve the significance of the adjacent conservation area in

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accordance with the NPPF, policy SP1 of the Core Strategy and policies EN1 and EN4 the ADMP.

### *Impact on residential amenity –*

- 34 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 35 Policy EN2 of the ADMP states 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 development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, 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.
- 36 This policy is supported by design guidance relating to residential amenity held within the Council's Residential Extensions SPD.
- 37 The neighbouring property potentially most affected by the proposed two storey side extension would be 57 Hartslands Road to the east of the site. The alterations to the existing porch would not impact any neighbouring amenity and other nearby houses are sufficient distance away not to be significantly impacted upon by the proposed side extension.
- 38 The ground floor layout of No.57 is such that the kitchen is positioned to the front of the house, a dining room is located to the centre of the house and a living room to the rear. The kitchen currently enjoys a south facing aspect and the living room a north facing aspect. In addition, a number of side facing windows serve the property including one for a ground floor bathroom located between the kitchen and dining room, a higher level window for the stairwell to the property (which the owner of No.57 points out also provides light to the dining room), and a part glazed door and a side window also serve the rear living room.
- 39 The proposed extension would pass the 45 degree angle test in plan, which is sufficient to demonstrate that there would not be a detrimental loss of daylight to the occupiers of No.57.
- 40 In terms of direct sunlight, the front of No.57 where the kitchen is situated would continue to enjoy a sustained level of sunlight for most of the day. The ground floor side facing windows would clearly be affected by the side extension. However, these windows serve either a bathroom or are secondary windows to a living room, and these windows would be currently affected by the position of No.55B as it stands today from the middle part of the afternoon. The upper level window, which serves the staircase, would be sufficiently high enough not to be significantly impacted upon.
- 41 I would therefore conclude that any impact would not be detrimental and the occupiers of No.57 would continue to enjoy a reasonable level of daylight and sunlight within the property and therefore the application could not be refused on this basis.

- 42 I am satisfied that the proposed side extension and infill of the porch would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements that would impact the occupiers of No.57.
- 43 The proposed side extension includes the insertion of a rear facing bedroom window at first floor level. Due to the orientation of the properties overlooking of No.57 may occur from this window. As such I believe it would be reasonable and necessary to control this window to avoid overlooking and a loss of privacy. This is only acceptable in this instance since the same bedroom would also be served by a front facing window that would not need to be controlled at all.
- 44 The rear amenity area of No.57 would be sufficient distance away from the proposed side extension to ensure that visual intrusion would not occur and outlook would not be impacted upon. In addition, the side facing windows, which either serve non-habitable rooms or are secondary to primary windows in the rear elevation, would not be impacted upon in terms of potential visual intrusion or a loss of outlook.
- 45 Overall, I am satisfied that the development would safeguard the amenities of existing and future occupants of nearby properties and that the development would provide adequate residential amenities for existing and future occupiers of the site. The proposal therefore complies with the NPPF and policy EN2 of the ADMP.

### Other Issues

#### *Parking provision and highways safety –*

- 46 Policy EN1 of the ADMP states that a proposal should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 47 The existing parking space on site (minimum of 4.5m x 2.2m) is not sufficient to meet current requirements for parking bays (4.8m x 2.4m). It could therefore be argued that the loss of the existing parking space would not actually result in the loss of parking provision for the property.
- 48 I would acknowledge that on street parking on this part of Hartslands Road is restricted due to the width of the street and the ability to only park on one side. However, I do not believe that the parking of an additional car on the street would lead to a detrimental impact on highway safety to warrant refusing the application.
- 49 I am therefore of the view that the proposal would preserve highways safety and provide adequate parking in accordance with policy EN1 of the ADMP.

#### *Loss of the view between the extension and neighbouring property –*

- 50 As noted above a gap of just over 3m would be retained between the extension and 57 Hartslands Road. This would retain a glimpse of the North Downs. In addition, no individual has a right to a view.

#### *Sustainable development –*

- 51 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a

## Agenda Item 4.2

golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

52 In my opinion, the proposed scheme would wholly accord with the development plan, and I have explained this in detail above. It follows that the development is wholly appropriate and there would be adverse impacts in granting planning permission for the development.

### **Conclusion**

53 I consider that the proposed development would preserve the character and appearance of the area, would not harm the setting of the adjacent conservation area, and would safeguard residential amenities. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

### **Background Papers**

Site and Block plans

Contact Officer(s): Mr M Holmes Extension: 7406

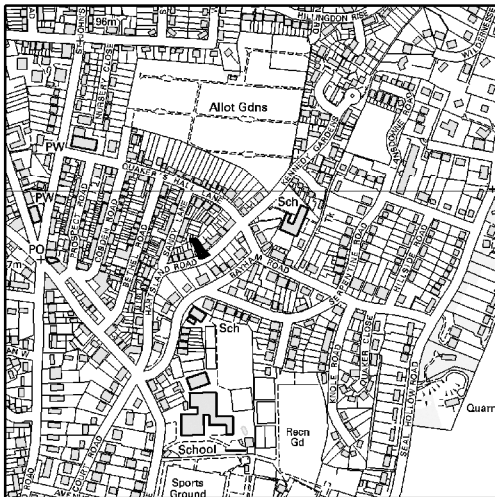
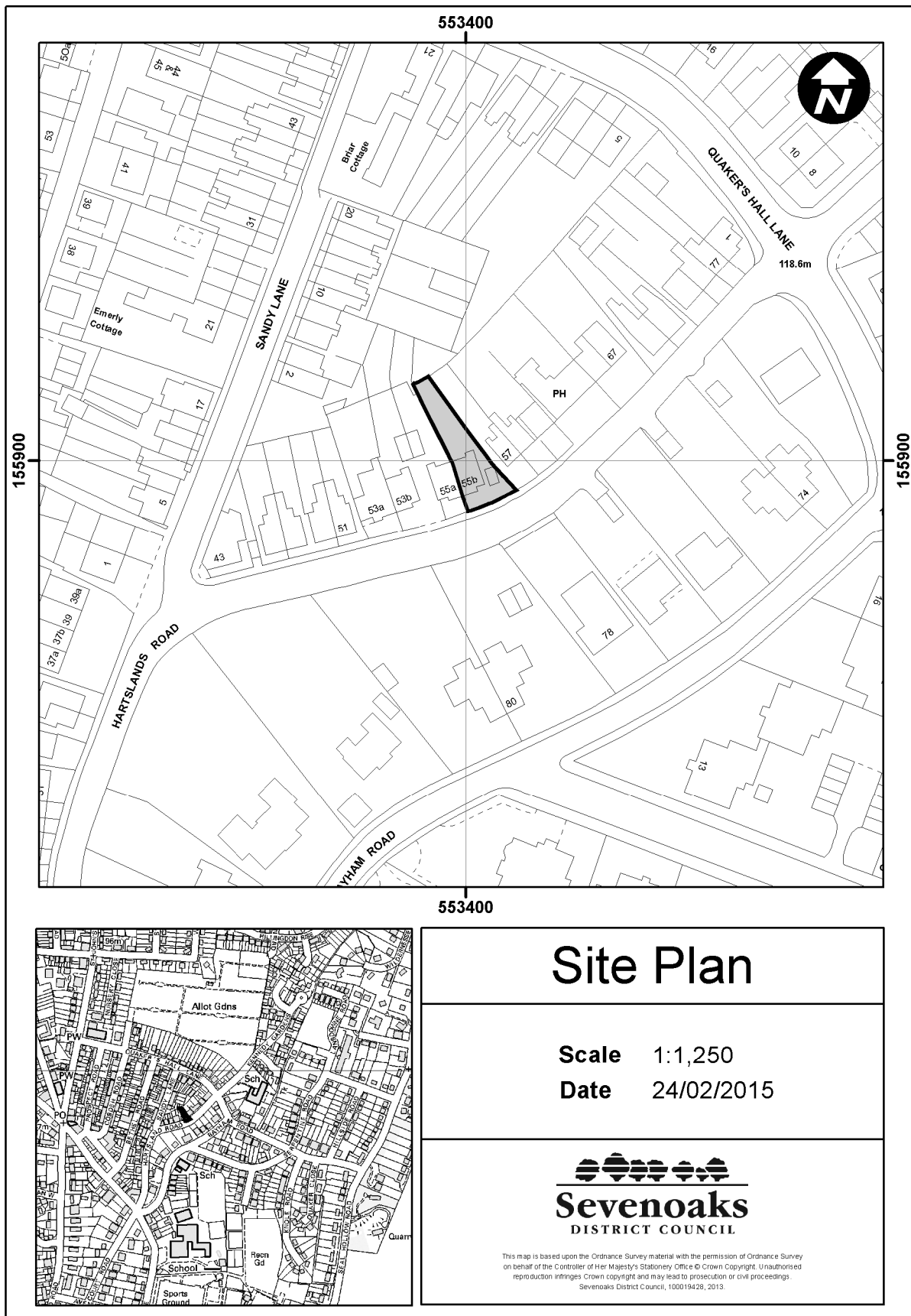
**Richard Morris**  
**Chief Planning Officer**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NG970XBKHYX00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NG970XBKHYX00>



# Site Plan

**Scale** 1:1,250  
**Date** 24/02/2015



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 Sevenoaks District Council, 100019428, 2013.



4.3 – SE/14/02899/CONVAR Date expired 3 November 2014

PROPOSAL: Removal of conditions 1 (temporary period of three years) and 2 (occupation) of planning permission SE/11/01510/FUL - permanent use of the land as a gypsy and traveller caravan site including proposed amenity buildings.

LOCATION: Mobile Home At Station Court, Sevenoaks Road, Halstead TN14 7HR

WARD(S): Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

The application has been referred to Development Control Committee by Councillor Williamson due to the impact of the development upon the Green Belt, impact upon street scene and that the very special circumstances case has not be demonstrated.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) This planning permission is granted for a temporary period of two years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants. When the land ceases to be used by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants, or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) No more than 7 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.



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Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Local Plan.

4) No commercial activities shall take place on the land, including the storage of materials, other than the display of and sale of Christmas Trees in December each year for the duration of this permission.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

5) No building, enclosure or temporary structures other than those shown on the approved block plan MCA-2 received on 13th June 2011 shall be erected or placed on the site.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) Upon substantial completion of the utility blocks approved, all existing sheds, utility structures and moveable utility structures shall be removed from the site. No structures, other than those shown on the approved block plan shall be provided on site at any time.

To prevent inappropriate development in the Green Belt as supported by PPG2.

7) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 1 of Annexe 1 of DCLG document Planning Policy for Traveller Sites March 2012.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

8) The development hereby permitted shall be carried out in accordance with the following approved plans: MCA-1, MCA-2

For the avoidance of doubt and in the interests of proper planning.

### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,



- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

#### Description of Proposal

1 Under planning reference SE/11/01510/FUL, temporary planning permission was granted for the change of use of the land for a gypsy and traveller caravan site including the proposed amenity buildings. The scheme provided three static mobile homes and 4 touring caravans with three amenity buildings.

2 This is a Section 73 application that seeks the removal of the following condition one of above mentioned planning permission which states:

Condition 1 (Temporary permission) -

*“This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.”*

3 It also proposed the variation of Condition two to allow unrestricted occupation of the site by any gypsy and traveller. The existing condition of the above mentioned planning permission states:

Condition 2 (Occupation Residency) -

*“The occupation of the site hereby permitted shall be carried on only by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants and whilst they comply with the definition of gypsies and travellers set out in paragraph 15 of ODPM Circular 01/2006. When the land ceases to be used by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants, or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.”*

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### Description of Site

- 4 The site is to the northern side of London Road and adjacent to Knockholt Station which is situated to the west. The railway line lies immediately to the north of the site, and on the opposite side of London Road is Broke Hill Golf Club. The northern edge of the site defines the District Boundary with the London Borough of Bromley, which also runs along the western edge of the site and then follows the northern side of Sevenoaks Road running west.
- 5 Access to the site is currently gained off London Road with a vehicular access, the boundary with the highway being defined by a standard 1.8m high fence. The siting of the structures and units on site run parallel with the southern boundary.
- 6 The nearest neighbours are Broke Lodge and the Railway House, both approximately 100m to the west of the application site. Approximately 200m to the east lies the beginnings of the main residential development of Badgers Mount, with the village confines some, 850m to the east.
- 7 At present the occupants have laid out the soft landscaping to the northern boundary of the railway line, providing small conifers hedging in front of the wire mesh fencing.
- 8 There are three static mobile homes on site and 4 touring caravans currently on site, together with other associated paraphernalia.

### Constraints

- 9 Metropolitan Green Belt
- 10 Flood Zone 3

### Policies

#### *Sevenoaks Core Strategy*

- 11 Policies – SP1, SP6, SP8, L08

#### *ADMP:*

- 12 Policies - EN1, EN2, EN6, GB6, T1, T2

#### *Other*

- 13 National Planning Policy Framework (NPPF)
- 14 Planning Policy for Travellers Sites (PPTS) March 2012
- 15 Ministerial Statements dated 01 July 2013 & 17 January 2014
- 16 National Planning Practice Guidance (NPPG)

### Planning History

- 17 03/00292/FUL- Use of land as a private gypsy caravan site (6 pitches). Refused.

- 18 Enforcement notice issued 27.06.2003 - Enforcement notice appealed - Appeal dismissed by the Secretary of State. Appealed to the High Court of Justice, 02.03.2005, to challenge the Secretary of State decision- ALLOWED
- 19 Secretary of State appealed to the Court of Appeal, 03.11.2005, appeal allowed, enforcement notice reinstated and compliance period set on or before the 03.11.2006.
- 20 SE/06/03260/FUL- Continued use of land as a private Gypsy Caravan Site (6 pitches)- REFUSED. Allowed at appeal for temporary 3 year period until 18.06.2011
- 21 Granting of SE/06/03260/FUL at appeal superseded the outstanding enforcement notice.
- 22 11/01510/FUL - Permanent use of the land as a gypsy and traveller caravan site including proposed amenity buildings – GRANTED (Temporary three year), note: to allow time for an allocation plan to be adopted.

### Consultations

#### *Halstead Parish Council*

- 23 Objects for the following reasons:

*“1. The site is in the Green Belt, Policy H16 relates, correspondingly the NPPF also does not include mobile home parks and caravan sites as appropriate development in the Green Belt.*

*2. When Mr Simmons, the owner of the land, applied for consent for a travellers’ site in 2008 it was refused by SDC and then refused on Appeal. Mr Simmons appealed this decision to the high court where the Judges agreed temporary permission should be given so that the family, particularly the young children, could have a stable up-bringing.*

*3. In 2011, a second application was presented, refused and finally appealed. The Appeal Inspector made very strong recommendations as to the terms of the temporary permission including naming the people who could occupy the home.*

*4. Mr Simmons, the owner of the land, has always indicated that he only wished to live on the site with members of his immediate family. He had no wish for other traveller families to reside on the site.*

*5. Mr Simmons family has reached the age when they no longer need to attend the village school and there is no longer a requirement for a traveller site to exist, let alone change conditions for its use.*

*6. The Parish Council believes that the District Council is disregarding the opinion of the Appeal Inspector who granted this temporary permission for the travellers’ site in 2011, and should be encouraging Mr Simmons to carry out the conditions of the last permission.*

*7. The Parish Council believes there is no need for a travellers/gypsy site on this land, and the land should be returned to its previous condition.”*

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### *Shoreham Parish Council*

24 Objects for the following reasons:

*“The Council agrees with the opinions registered at Appeal by SDC, the Planning Inspectorate and the High Court that the site is totally unsuitable for use as a gypsy site.*

*Temporary permission (3 years) was granted by the High Court, under special circumstances, solely to enable the young children to attend the local school.*

*Shoreham Parish Council would also like to point out that until SDC has determined its policy on Gypsy & Traveller sites, it is premature to consider planning applications of this nature.”*

### *London Borough of Bromley*

25 No comment received

### *Kent Highways Services –*

26 No objection

### *Network Rail*

27 No objections, recommend condition relating to the erection of a 1.8m high trespass fencing, together with other informatives.

### *Environment Agency*

28 Initially objected but now has retracted the objection for the following reason;

*“According to our flood risk maps, part of the site is shown to be in Flood Zone 3, however, the site is remote from any watercourse and believed to occupy a “dry valley”, which means the site is not at risk from fluvial flooding.*

*In view of the above, we are now in a position to remove our objection.”*

### *SDC Gypsy Liaison Officer*

29 No comment received

### *KCC Gypsy Liaison Officer*

30 No comment received.

### Representations:

31 1 letter of support; and

32 1 letter of objection to the permanent use of the site.

Chief Planning Officer's Appraisal

Principal Issues

- 33 This is a Section 73 application to allow the variation of a condition of a specific planning permission. This will effectively allow the consideration of variation of the condition and allow further conditions to apply if it is considered reasonable and necessary in accordance with guidance in the National Planning Practice Guidance (NPPG). This report will discuss the condition to be removed and the condition to be amended together with the relevant material considerations that apply to them.

*Background*

- 34 It has been accepted on all previous submissions and appeals that the family comply with the definition of Gypsy status. Mr Simmons continues to travel for work, along with his sons, Patrick, Myles and Jamie.
- 35 Mr and Mrs Simmonds continue to reside on site with their youngest son Bobby. Since the appeal decision in 2008 a number of their older sons have now married and also have children of their own;
- Patrick and his wife Jemma (Jimmy)
  - Myles and his wife Margaret (Helena, Myles and Irene)
  - Jamie and his wife Alex (Findlay)
  - Bridget Simmons (Mr Simmons niece) also remains on site
- 36 The gypsy status of the proposed occupiers is not relevant unless the decision maker finds it necessary to consider personal circumstances when determining the application.
- 37 This application is for the development of land to allow residential occupation by those that fall within the definition of 'gypsies and travellers' as cited Paragraph 1 of Annex 1 of the Planning Policy for Travellers Sites March 2012 (PPTS) It states:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such".*
- 38 It is known that the families on site are still part of a gypsy/traveller community and very active, by securing work away from home and abroad to secure a living. It is understood that Mr Simmons eldest son (Bobby) has withdrawn from further education and is now working with his father. Since the previous 2011 application Patrick's son is near to pre-school nursery age and understood that they are awaiting a nursery place to be allocated. With regard to Helena, Myles, Irene these children attend Halstead Primary School.
- 39 Under the previous application, the temporary permission was given to allow for the adoption of a Gypsy/Traveller Allocation DPD which unfortunately has been delayed.

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### Policy Issues

- 40 Adopted national policy is set out in PPTS adopted March 2012. Paragraph 25 states that local authorities cannot demonstrate an up-to-date five year supply of deliverable sites; this should be a significant consideration when determining applications for the grant of temporary permission.
- 41 In August 2011, the Council commissioned a new Gypsy, Traveller and Travelling Showperson Accommodation Assessment to provide an update on the current need in the District and to consider how the issues in the emerging national policy on local and historic demand could be addressed. This has been completed.
- 42 The Assessment draws a distinction between those households that identify themselves as having current and/or future needs for pitches and those that identify a need for a pitch and meet the planning definition of 'gypsies and travellers' or 'travelling show-people' as set out at Annex 1 of the PPTS.
- 43 The different levels of need identified are set out below:

Period	Level of need required
2012 - 2016	40
2017 - 2021	15
2022 - 2026	17
2012 - 2026	72

- 44 Given the need identified in the 2006 and 2011 assessments, the Council has, in accordance with national policy (previously in Circular 01/06 and now in PPTS), given favourable consideration to the grant of temporary planning permission for Gypsy and Traveller sites that are inappropriate because they constitute development in the Green Belt but are otherwise acceptable. This is intended to ensure that gypsies and travellers have some security in their accommodation until such time as sites are allocated for gypsy and traveller pitches in the Local Development Framework (LDF).
- 45 In August 2012 a "call for sites" was carried out. This involved contacting Gypsy and Travellers living in the District, Gypsy and Traveller organisations and all those who registered an interest in the issue through consultations on the LDF. Parish and Town Councils were also contacted for their views on any potential within their areas.
- 46 While the consultation draft of the Plan is being drawn up, significant progress has been made. This has focused on the assessment of the existing temporary and unauthorised sites and a review of the non-Gypsy and Traveller allocations proposed in the Allocations and Development Management Plan. This assessment will identify whether any of the proposed allocations are appropriate locations for new pitches and whether the existing temporary pitches should be made permanent. The same assessment will be made of any new sites proposed.
- 47 It is envisaged that a draft The Gypsy and Traveller Plan is likely to be adopted in mid 2016.
- 48 Paragraph 25 of the PPTS states that the lack of a 5 year supply of deliverable sites should be a significant material consideration in any subsequent planning

decision when considering applications for the grant of temporary planning permission.

- 49 As there is no real prospect of providing the gypsy/traveller families accommodation needs on an alternative sites. At present, there are no available spaces on public sites and there are long waiting lists for vacant pitches at Barnfield Park, Ash and Polhill KCC sites and the turnover of pitches are low. It is likely the families would have to double up on another site or result in moving onto other unauthorised encampments or the roadside.
- 50 At present the existing development plan does not identify any land suitable for traveller sites other than those previously mentioned. High value land within settlements is unlikely to be affordable and all areas outside settlements are Green Belt sites. It is likely that new sites in the District will be on Green Belt land.
- 51 It is clear now that until additional sites are identified through a Development Plan Document (DPD), there is no realistic prospect that an alternative site will become available for the applicant /families. There is acknowledgement that there have been delays to preparing the DPD which have come about through the proposed revocation of the South East Plan, but there is a good prospect of permanent sites being identified through the DPD process, to which the families could then seek to move or this site being allocated through the 'plan-led' process. However this does represent the failure to meet the need for pitches for Gypsies and Travellers due to the absence of such DPD.
- 52 This is compounded by not being able to demonstrate a 5 year supply of deliverable land to accommodate such families as cited by the in the PPTS.
- 53 Notwithstanding the above it is noted that on the 14 September 2014 the Government published a consultation document: *"Proposed changes to national planning policy and Planning Policy for Traveller Sites"*. The consultation document proposes to change the definition of "travellers" for planning related purposes so that it would exclude those who have permanently ceased from travelling. Furthermore it proposes changes to planning policy to deal with the intentional unauthorised occupation of sites, so that if a site were to be intentionally occupied without planning permission, that this would be a material consideration in any retrospective planning application for that site. However, given that the proposals are subject to consultation, little weight can be given to it in the determination of this application.
- 54 In a January 2014 written ministerial statement the Government sought to re-emphasise existing policy that *"unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt."* Regard must be had to the Written Ministerial Statements of 1 July 2013 and 17 January 2014.
- 55 Also noted, changes have been made in National Planning Policy Guidance issued on 6 October 2014. This change to the NPPG lowers the emphasis to be placed on the weight afforded to the unmet need of traveller sites within the Green Belt. Therefore upon considering the guidance in the PPTS and the absence of available sites, significant weight can be afforded to this, whereas less weight can be given to the unmet need of the sites within the District.

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### Main Considerations

56 With regard to the removal of condition one and the variation of condition two, the main considerations of this application are:

- Impact upon the Green Belt;
- Impact upon the surrounding area;
- Highway Safety and Parking;
- Sustainability;
- Other matters

### *Impact upon the Green Belt*

57 Para. 79 of the NPPF, states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence.

58 Para. 87 of the NPPF states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agricultural and forestry, sports facilities, infilling, redevelopment of Brownfield sites as stated in para. 89.

59 Other forms of development not considered to be inappropriate in the Green Belt are set out in paragraph 90 of the NPPF. However, the proposed use of the site as a residential caravan site for one family and associated development would not fall within any of the above exceptions, or those contained in paragraph 90 of the NPPF. This includes material changes in the land use which do not maintain openness. Indeed, the PPTS (paragraph 14) confirms that "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development". If proposal is deemed to be considered as inappropriate development is, by definition, harmful to the Green Belt. Then it is for the applicant to show why permission should be granted. 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. In view of the presumption against inappropriate development, substantial weight should be given to the harm to the Green Belt when considering any planning application concerning such development, as cited in para. 87 of the NPPF and supported by written ministerial statements dated July 2013 and January 2014 and the NPPG.

### *Extent of harm*

60 This retention of the stationing of three twin unit caravans (mobile homes) and four touring caravans. These together with the fencing, hardstanding and utilities/shed that have already been erected, have a detrimental impact upon the openness of the Green Belt.

61 The introduction of the caravans, vehicles and other residential paraphernalia associated with the residential pitches diminishes the otherwise open nature of the site. The development encroaches into the countryside beyond the sporadic



existing built form of the village of Knockholt. As such, it clearly conflicts with one of the purposes of including land in the Green Belt.

- 62 The development overall, results in a loss of openness, which is the most important attribute of the Green Belt. As such, and in accordance with paragraph 89 of the NPPF and paragraph 14 of the PPTS, the proposal constitutes inappropriate development. Inappropriate development is by definition harmful to the Green Belt.
- 63 The weight to be attributed to the harm to openness and the conflict with one of the purposes of including land in the Green Belt due to encroachment is substantial.
- 64 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm. This will be considered after all other matters.

### *Impact on character and appearance of surrounding area*

- 65 Policy EN1 of the ADMP requires that development respects and takes opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.
- 66 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area.
- 67 Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be conserved and the distinctive features that contribute to its character protected and enhanced.
- 68 The site whilst it may appear isolated, is not a significant distance from the main residential development of Badgers Mount, this part of London Road is generally heavily parked by users of the train station, adding to the sense of urban character. Further west lies a small collection of commercial outlets, within the London Borough of Bromley, which when viewed cumulatively, the impact of the low level buildings proposed to be retained is limited upon the wider landscape character.
- 69 The views of the site continue along the path way which extends northwards over the railway line, but these views are screened to some extent by the surrounding vegetation. Whilst the site does have some visual impact from outside the site, again the low level structures and tidy appearance of the site limit the visual harm, particularly within the context of rural, residential and commercial uses within close proximity. The retention of the proposed use would comply with the above policies and would preserve the character of the area despite the concern raised by a Local Member.

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### *Highway Safety and parking*

- 70 Policy T1 of the ADMP requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Services have raised no objection to the existing access or its use based on Highway Safety.

### *Sustainability*

- 71 Paragraph 11 of the PPTS and Policy SP6 of the Core Strategy seeks to ensure that traveller sites are sustainable economically, socially and environmentally. Policies should promote peaceful and integrated co-existence between the site and local community, promote access to appropriate health services, ensure that children can attend school regularly, provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised roadside encampments and reflect the extent to which traditional lifestyles can contribute to sustainability.
- 72 In this case, it is clear that the site would continue to provide a settled base which in itself would facilitate access to medical facilities and education for the children. By the very nature of a nomadic way of life, the applicants travel to areas of work and stay for periods of time. By the very promotion of resulting the families to use of unauthorised roadside encampments and the unlawful doubling up on pitches by the family, the need for long distance travelling and the continued potential for environmental damage would be increased.
- 73 Overall, as it is acknowledged that the site is not within easy walking distances of shops and other facilities, it would nevertheless provide many of the other sustainable benefits referred to in PPTS. These include addressing the need for a settled base thereby facilitating access to health care, regular education for the children and the reduction in the possible environmental roadside encampments. These benefits outweigh the negative aspects relating to the location of the site in terms of sustainability and can be afforded limited weight.

### *Balancing Exercise/Very Special Circumstances*

- 74 It is acknowledged that the retention of the land as a traveller site would represent inappropriate development within the green belt, with an associated harmful impact upon openness.
- 75 The very special circumstances of the applicant largely remain since the previous application(s). They were identified as:
- Unmet need for Gypsy sites in Sevenoaks;
  - Absence of alternative provision in Kent as a whole;
  - No pitches available on larger gypsy sites;
  - Provision of a 'settled base' for the families (access to services and education);
  - Removal of the family would cause significant upheaval to the educational needs of the children on site.
- 76 The above still applies albeit that they have been slightly weakened by one of the children is no longer at school. Notwithstanding this, the circumstances still do

exist and weight must be afforded to them and to the fact that the families have been on site for at least 12 years.

- 77 Upon considering the above, despite the concerns raised by the Parish Council and by the Local Member, the special circumstances that existed in the previous application still apply in this instance and substantial weight can be attributed to them.
- 78 However, as specified there is a clear unmet need for Gypsy sites in the District. This is coupled with the fact that the District currently has no identified or allocated land for such provision. The circumstances of the occupants as identified in previous paragraphs, also weigh in favour of the development and that they have remained on-site for the past twelve years. It is also reasonable to presume that that, given the level of unmet need, together with the extent of the green belt within the District, it is highly unlikely that alternative sites will be found through the allocations process that do not involve development in the Green Belt. As such there is an inevitability that some harm to the Green Belt will occur through the requirement to allocate sites for Gypsy / Traveller pitches, whether by definition, harm to openness or both. This is, to an extent, evident within the wording of Policy SP6 of the Core Strategy – criteria a) endorses the provision of sites within or close to existing settlements (and if close to but not within an existing settlement then this would infer a green belt location), whilst criteria e) seeks to prevent significant adverse harm to the landscape.
- 79 A permanent consent has been considered by the removal of the condition one but at present, is not justified as this would be premature to the formal consideration process of allocating gypsy and traveller sites within the DPD. It is recognised that the circumstances of the applicant remains (albeit slightly weakened) and the site has not been yet been allocated by the planning process. It follows; to permanently allocate the site for the occupation of gypsy/travellers at this stage would be premature. In recognition of this and discussing the situation with the Simmons, even though a temporary permission is the less favoured option, the family would be prepared to accept this.
- 80 As it is expected that the Gypsy/Traveller site allocation DPD is expected to be adopted in mid 2016, it would be reasonable to allow for the continued occupation for the site for a further two years until such time the Council has an adopted Gypsy and Traveller site allocation DPD. Two years would also allow for any slippage in the adoption timetable of the DPD. As such condition one can be varied accordingly in compliance with the NPPG.
- 81 Upon considering the variation of condition two to allow the unrestricted occupation of the site to be occupied by any gypsy and traveller that conforms to the statutory definition, this would in affect undermine the very special circumstances case which was an essential component of the original planning permission(s). It is recognised that there is a clear and immediate need of sites, helps in the justification for temporary sites, but not permanent sites, which are being considered in a 'plan-led' approach in accordance with Government Guidance as part of the Gypsy Traveller site consultation. As such, for the reason above the variation of condition two of planning permission SE/11/01510/FUL cannot be supported at this time as no very special circumstances would exist as current planning policy dictates that sites within the green belt are inappropriate development unless very special circumstances exist.

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### *Other Matters*

- 82 The objections raised by the Parish Council and third parties have been fully considered for the reasons cited above. As previously mentioned it is accepted that the applicants still retain special circumstances in this instance, the harm caused to the openness of the Green Belt can be outweighed by the 'special' circumstances.
- 83 The landscaping scheme required by condition 6 of SE/06/03260/FUL was submitted and approved, and is now established. There is a wire fence with conifer hedging installed along the boundary with the railway embankment. The comments made by Network Rail were based on the proposal for a permanent consent. It would be unreasonable to require a concrete, trespass resistant fence to be erected, with considerable cost to the applicant based upon a temporary permission. Given the landscaping and fencing installed to date, it is not considered any further fencing is justified.
- 84 It is recognised that the site is within a flood risk area, however the Environment Agency has not raised an objection in this instance as the site is within a 'dry valley'.
- 85 The opportunity has been undertaken to review the planning conditions of the 2011 permission. It is recommended that a further condition should be included that reflects current government guidance in relation to the definition of gypsy travellers.

### **Conclusion**

- 86 Subject to the re-application of the conditions as previously discussed, it is recommended that this application should be granted in this instance as it can be demonstrated that very special circumstances still exist and a temporary consent for a further two years is justified. The removal of Condition two is not supported as it would undermine the special circumstances of the occupiers of the site and would be premature to the formal consideration process of allocating gypsy and traveller sites within the DPD and contrary to development plan policy.

### **Background Papers**

Site location plan

Contact Officer(s): Sean Mitchell Extension: 7349

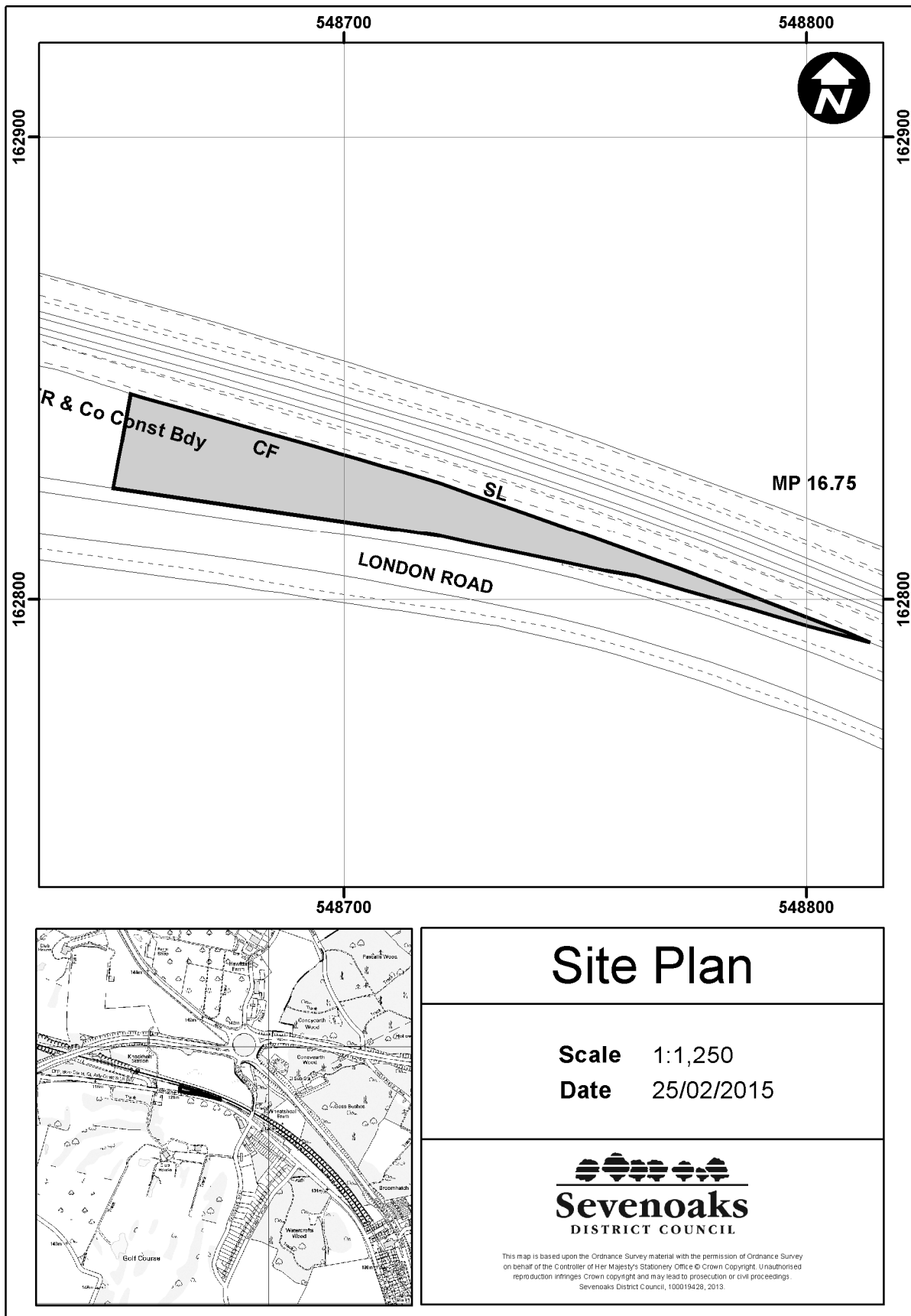
Richard Morris  
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBL30WBKOL000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBL30WBK0L000>



**Planning Application Information on Public Access – for applications coming to DC  
Committee on Thursday 12 March 2015**

**Item 4.1 SE/14/03298/FUL Dunton Green Faithworks, The Old Chapel, London  
Road, Dunton Green, Sevenoaks TN13 2TB**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDIZJ5BKHG300>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDIZJ5BKHG300>

**Item 4.2 - SE/14/03829/HOUSE 55B Hartslands Road, Sevenoaks TN13 3TW**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NG970XBKHYX00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NG970XBKHYX00>

**Item 4.3 – SE/14/02899/CONVAR Mobile Home at Station Court, Sevenoaks Road,  
Halstead TN14 7HR**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBL30WBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBL30WBK0L000>

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