

4.3 – SE/13/02523/FUL Date expired 4 November 2013

PROPOSAL: The creation of a new access, gate and hard surface (Retrospective).

LOCATION: Paddock South West of 7 Hotel And Diner, London Road, Badgers Mount, Halstead

WARD(S): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

The application has been referred to Development Control Committee at the request of Councillor Williamson, to consider the effect on the rural landscape and the openness of the Green Belt.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 133JR-PP-01, 133JR-PP-02, 133JR-PP-03, 133JR-PP-04

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

2) Within 3 months of the date of this decision the visibility splays shown on the approved 133JR-PP-03 shall be in accordance with the approved plans. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interests of traffic safety.

3) Within 3 months of the date of this decision details of the proposed method of delivering the required hard surfaced access arrangement between the limit of the vehicle crossover and the site access gate should be submitted and approved in writing. The hardsurface shall be carried out in accordance with the approved details.

In the interests of traffic safety.

Informatives

1) Please note that the verge areas in front of the boundary hedge within which the required sight line splays are located are shown within KCC records to all be within highway land and therefore fall within KCC control with regard to future maintenance.

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),
- 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 light of the advice amended the application to address the issues.

Description of Proposal

- 1 This is a retrospective application for the creation of a new access, gate and hard surface.
- 2 An opening in the existing hedge has been made, measuring 4 metres in width. A new surface has been laid to accommodate the new access. The surface that has been laid is type 1 crushed stone.
- 3 The gate has been erected approximately 4 metres into the site, measured from the middle of the hedge. The gate is a conventional 5 bar gate measuring 1.25 metres in height by 3.190 metres in width. From the hedge to the side of the gate new wooden fencing has been installed at a height of 1.330 metres.
- 4 The plans show the visibility splays that would be achieved.

Description of Site

- 5 The application site relates to an irregular parcel of land located on the west side of London Road. Apart from the application proposal there is no existing access to the site which appears to have been created by subdividing a larger area of land. The site is located opposite the 7 Hotel and Diner.
- 6 The site is located in the Green Belt.

Constraints

- 7 Metropolitan Green Belt
- 8 Opposite the AONB designation

Policies

Sevenoaks District Local Plan

9 Policy - EN1

Sevenoaks Core Strategy

10 Policies - SP1, LO8

Other

11 National Planning Policy Framework (NPPF)

Planning History

12 13/01362/FUL - Creation of a new access, gates and hard surface. WITHDRAWN
19/07/2013

Consultations

Kent Highway Services

13 The proposed (retrospective) access has been assessed on site and is considered acceptable to serve a site of this nature in respect of general arrangement and sight line visibility subject to a suitable (i.e. hard paved) vehicle crossover being constructed to the requirements of KCC Highways and Transportation.

14 Note should also be made that the verge areas in front of the boundary hedge within which the required sight line splays are located are shown within our records to all be within highway land and therefore fall within our control with regard to future maintenance.

15 There are therefore no highway objections subject to the crossover works being progressed to our requirements as discussed.

Additional comments have been received from the KCC Highways on the 11/11/2013

16 The '2m surfaced strip' shown on the application drawing reflects the fact that the initial section of the access road adjacent to the carriageway is within highway land and as such, must be constructed to our required vehicle crossover specification (the 'bitumen surface course and binder course strip' note on the proposed layout drawing is not particularly helpful – it would have been better to have read 'new vehicle crossover with specification to be agreed with the Highway Authority').

17 I would therefore recommend a condition requiring the applicant to deliver this vehicle crossover to Highway Authority requirements.

18 Whilst I did not specifically advise of the need for a hard paved surface beyond the limit of the vehicle crossover, in retrospect, there would probably be merit in securing such a surface up to the location of the entrance gates which would therefore result in a paved surface being secured for the first 8m or so of the access. Beyond the 2m width vehicle crossover the specification of the paving up to its limit at the entrance gate would not need to be adoptable

highway standard as its purpose would be more related to preventing the spread of loose material onto the road than of a structural nature and so the applicant's method of 'bitumen surface course and binder strip' (as indicated on their drawing for the crossover) would probably be adequate. However, to best ensure that we secure an appropriate detail in that respect, a further condition requiring the applicant to submit details of the proposed method of delivering the required hard surfaced access arrangement between the limit of the vehicle crossover and the site access gate could be beneficial.

The Tree Officer has made the following comments:-

19 As long as no further hedging is required to be removed, I have no objections.

Parish/Town Council

20 The Parish Council OBJECTS to this planning application.

21 Council still has concerns regarding the creation of this new access onto the busy A224 even though the sight lines have been cut back slightly. Council also believes the hedge should be reinstated.

Representations

22 None received.

Chief Planning Officer's Appraisal

23 Determining issues

- Impact on the Green Belt
- Impact on the streetscene
- Impact on the amenities of adjacent properties
- Highway Issues
- Whether the very special circumstances clearly outweigh the harm to the Green Belt.

Impact on the Green Belt

24 The site the subject of this application is located in the Green Belt, therefore the overriding consideration in the determination of this planning application is whether the proposal complies with the relevant policy criteria regarding development within the Green Belt.

25 Government advice contained in the National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development within the Green Belt. The NPPF makes clear that the most important attribute of Green Belts is their openness and that inappropriate development, by definition, is development that is harmful to the Green Belt because it detracts from its openness. The NPPF advises that, such development should not be approved, except in very special circumstances and that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

26 Paragraph 79 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

27 As stated above this application seeks permission for three different elements, which include gates, fence and a hard surface. In terms of the impact on the Green Belt, I will address the gate and fence separately from the hardstanding area.

Whether the gate and fence is appropriate in the Green Belt:-

28 In assessing whether the gate and fence proposal constitutes inappropriate or appropriate development in the Green Belt, it is necessary to look at paragraph 89 of the NPPF. This document states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:-

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

29 The Framework advises that inappropriate development is, by definition, harmful to the Green Belt, and the construction of new buildings is inappropriate subject to certain exceptions.

30 The term “building” includes any structure or erection, and would therefore include fencing and gates. The application states that the works are for agricultural use, but there is no agricultural activity on the site at present. It is therefore being treated as inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt, and conflicts with the aims of the NPPF.

Whether the hardsurfacing is appropriate in the Green Belt:-

- 31 In assessing whether the hardsurfacing proposal constitutes inappropriate or appropriate development in the Green Belt, it is necessary to look at paragraph 90 of the NPPF. This paragraph states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
- 32 The proposed hard surface is considered to constitute an engineering operation. In view of this, the test is to establish whether this engineering operation would have a detrimental impact on the openness of the Green Belt.
- 33 In terms of the proposal, it is considered that the development does not require any significant changes to the existing ground levels at the site. In addition to this the area to be hardsurfaced is also considered to be relatively modest in size and scale. In view of the above, it is considered that its intrusion into the openness of the countryside/Green Belt is limited. This element of the proposal therefore complies with the advice and guidance in the NPPF and is therefore considered to be appropriate development in the Green Belt.

Impact on Openness of the Green Belt

- 34 The NPPF makes clear that the essential characteristics of the Green Belt are their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development.
- 35 As stated above, the proposed design and materials of the development are considered acceptable and appropriate to the sites rural location. The proposed area of hard standing is relatively modest and the gate and fence will be set back within the site. The gates and fence is modest in size, limited in extent, made of metal/ timber and designed to be relatively open in appearance.
- 36 In terms of impact on openness, the gate and the fence is a relatively light-weight structure and is designed to be open and to allow clear views through. Thus, it is considered that it would a negligible impact on the openness of the Green Belt.
- 37 As such, it is considered that the proposal will remain relatively unobtrusive and would preserve the open character of the site and rural character and appearance of the surrounding area in accordance with the aforementioned policy criteria.

Very Special Circumstances

- 38 An assessment of whether very special circumstances exist and whether they clearly outweigh the harm in principle to the Green Belt and any other harm, will be made later in this report, once all of the potential areas of harm have been considered and assessed.

Visual Impact

- 39 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.' (paragraph 56).
- 40 Policy LO8 of the Core Strategy requires development to respect the countryside by having no detrimental impact upon the quality of the landscape character.
- 41 Policy EN1 of the Local Plan indicates that, amongst other criteria, 'the form of the proposed development 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'.
- 42 The site is not immediately seen in the context of other residential development as it is located outside the village of Badgers Mount. The gates and fence are modest in size, limited in extent, made of metal/ timber and designed to be relatively open in appearance.
- 43 Views of the gates are actually quite limited. Though clearly visible head-on, viewed from a short distance from the north west or south east, because of the set-back of the gates, they are not visible in the street scene. The proposal has involved cutting back the hedging along the boundary of the site, by 4 metres, to create the opening. The Tree Officer has advised that as long as no further hedging is required to be removed, there are no objections in terms of the loss of hedging to create the opening.
- 44 The proposed hardstanding that has been erected is also considered to have limited impact on the character and appearance of the area and would not therefore warrant an objection.
- 45 In the circumstances, it is my view that the gates will have an acceptable appearance on the character and appearance of the area bearing in mind their relatively sensitive semi-rural location.

Impact on Amenities

- 46 In relation to policy EN1 of the Local Plan, the proposal is not considered to adversely impact upon the amenities of neighbours by way of form, scale, outlook, noise, light intrusion or activity levels.
- 47 Given the distance from neighbouring properties it is not considered that the proposal would have an adverse impact on the amenities of neighbouring properties to warrant an objection.

Highways

- 48 Policy **EN1** of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. **Criteria 10** states that the proposed development does not create unacceptable traffic conditions on the surrounding road network.
- 49 KCC highways have advised that the proposed (retrospective) access is considered acceptable to serve the site they are happy that the visibility splays can be achieved and a condition is proposed to ensure that these are maintained and achieved.
- 50 In addition to the above, the Highway Officer has also advised that the '2m surfaced strip' shown on the application drawing reflects the fact that the initial section of the access road adjacent to the carriageway is within highway land and as such, must be constructed to KCC required vehicle crossover specification.
- 51 KCC highways have also confirmed that it would be advisable to seek details of the hard paved surface beyond the limit of the vehicle crossover, (up to the location of the entrance gates). They have advised that beyond the 2m width vehicle crossover, the specification would not need to be to adoptable highway standard as its purpose would be more related to preventing the spread of loose material onto the road than of a structural nature and so the applicant's method of 'bitumen surface course and binder strip' (as indicated on their drawing for the crossover) would probably be adequate.
- 52 In view of these comments I am seeking a condition requiring the applicant to submit details of the proposed method of delivering the required hard surfaced access arrangement between the limit of the vehicle crossover and the site access gate could be beneficial.
- 53 In view of the fact that KCC highways have raised no objection to the development, I consider that proposal is acceptable in terms of highway safety.

Very Special Circumstances

- 54 The Framework advises that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I note that the framework also supports the creation of safe environments, and Local Plan policy EN1 encourages measures to deter crime.
- 55 Whilst no case of very special circumstances has been made formally, the proposed gates, fence and hardstanding will have no adverse impact on the openness of the Green Belt and the need to access the site, due to their design and materials, which allow views through.
- 56 Seen in the context of the site as a whole, I consider the proposed gates represent a low-key form of development that would provide access to this site whilst maintaining the openness and the visual character of the area. Given the above case, I consider that there are very special circumstances, which clearly outweigh the harm to the Green Belt.

Other Issues

- 57 An issue has been raised that the proposed access will be used to access an outbuilding that has been erected within the field. An enforcement investigation is on going. It is important to highlight that the access is the only issue to be considered here, and that any other outstanding planning issues will be addressed through enforcement investigation.

Conclusion

- 58 In summary, I consider the key objection to the gates and fence is that they constitute inappropriate development in principle. However, I do not consider there to be additional harm by virtue of the impact on the openness of the Green Belt or the character of the area, or highway conditions.
- 59 In light of the above, I consider the very special circumstances set out above to be sufficient to outweigh the harm in principle to the Green Belt.

Background Papers

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

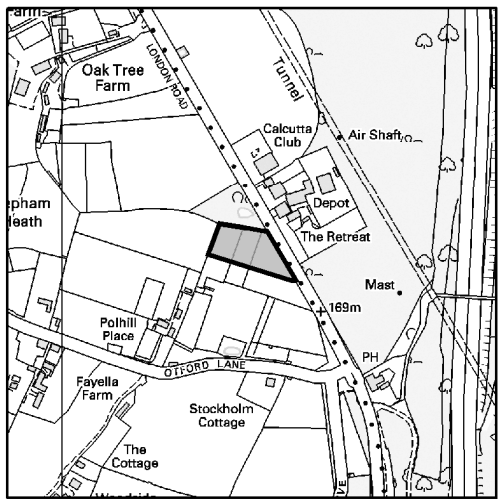
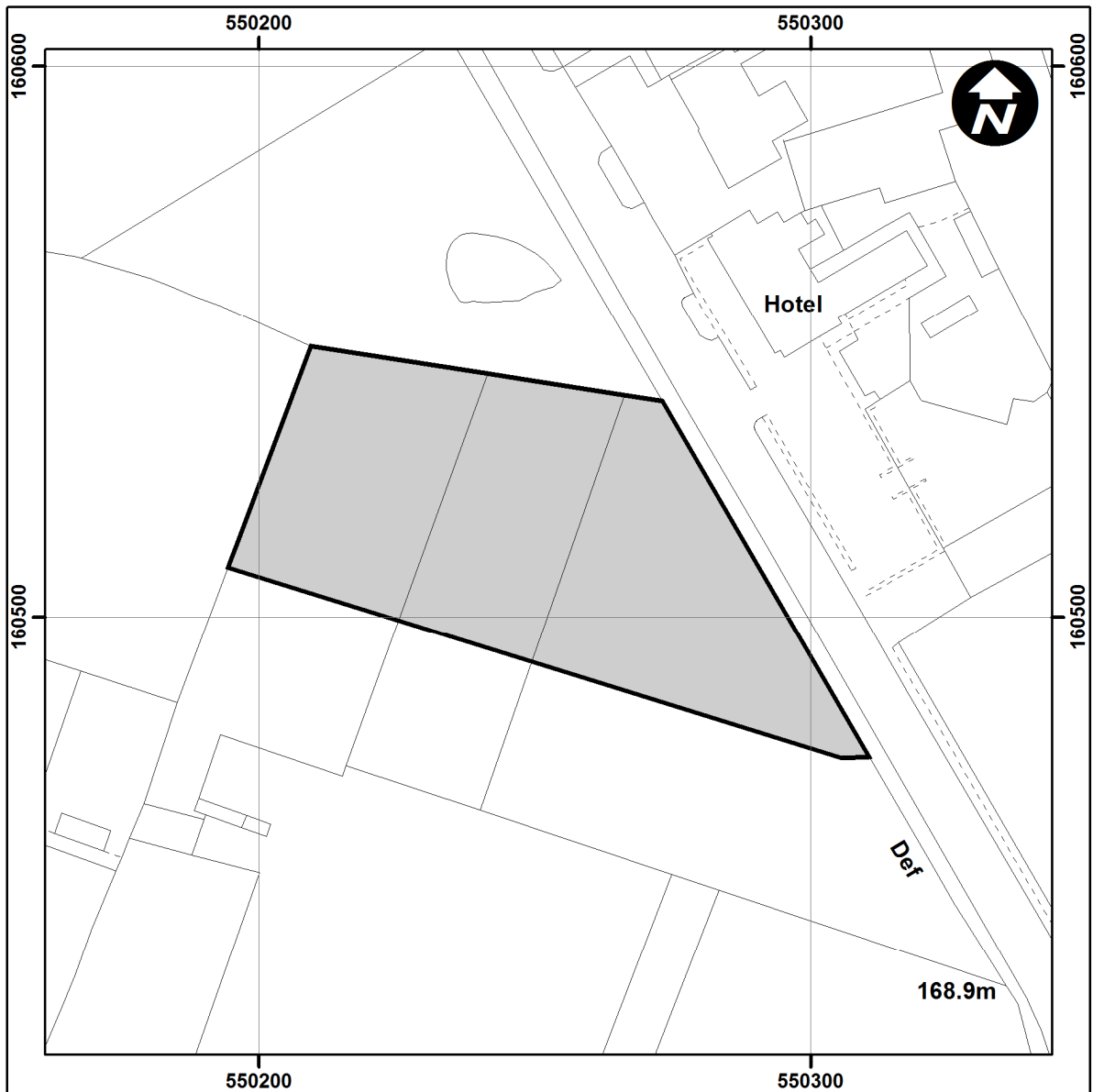
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MRVCTFBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MRVCTFBK8V000>



Site Plan

Scale 1:1,250
 Date 13/11/2013



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BLOCK PLAN

