



**DEVELOPMENT IN THE GREEN BELT  
SUPPLEMENTARY PLANNING DOCUMENT  
DRAFT - August 2012**

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# DEVELOPMENT IN THE GREEN BELT

## DRAFT SUPPLEMENTARY PLANNING DOCUMENT

August 2012

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### Pre-Application Advice

Pre-application advice is valuable in ensuring the best possible development outcomes for the community. It is also of benefit to any prospective applicant for the following reasons:

- It gives you an opportunity to understand how our policies will be applied to your development and you can identify and resolve potential problems before an application is submitted. This can help prevent costly and time-consuming amendments to schemes later;
- It may indicate that a proposal has little or no realistic chance of success, thus saving you considerable time and money;
- It may lead to a reduction in time spent by your professional advisers in working up the proposals in more detail;
- It can identify at an early stage whether any specialist advice is necessary (e.g. listed buildings, trees, landscape, transport, ecology or archaeology);
- We can give advice that can help you prepare a better planning application so we can process it more quickly and give you a decision sooner.

The Council introduced charges for pre-application meetings and letters from 1 July 2008. These charges apply to enquiries or meeting for planning officer advice prior to the submission of a new application or following the refusal of planning permission. For up-to-date details or the fee required for pre application advice, please visit the Council's website via the below link; [http://www.sevenoaks.gov.uk/environment/planning/pre\\_application\\_enquiries/3373.asp](http://www.sevenoaks.gov.uk/environment/planning/pre_application_enquiries/3373.asp)

### What information we require for pre-application advice

All proposals;

- Site location plan with the site clearly marked (to a recognised scale, Nth point etc)
- Written details of the address and proposal
- Sketch block plan for any built development (to a recognised scale)
- Photographs showing key features of the site (directions shown on plan)

Residential extensions or replacement dwellings in the Green Belt;

- Existing floor plans and proposed floor plans to scale and detailed calculations of original floorspace and resulting floorspace

### How to submit your pre-application

There are a few ways in which you can submit your pre-application:

By email to: [planning.preapplication.advice@sevenoaks.gov.uk](mailto:planning.preapplication.advice@sevenoaks.gov.uk)

By post or in person: Community and Planning Services, Sevenoaks District Council, Argyle Road, Sevenoaks, Kent, TN13 1HG.

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# 1 INTRODUCTION

## What is the Supplementary Planning Document?

- 1.1 This draft Supplementary Planning Document (SPD) seeks to provide greater detail on the issues and implications of applying for development on sites located within the Green Belt.
- 1.2 The SPD provides advice with regards to guidance contained in the National Planning Policy Framework (NPPF), the Council's Development Plan policy interpretation and the decision making process for applicants and agents submitting planning applications for development in the Green Belt.
- 1.3 Once adopted the SPD will form part of Sevenoaks District Council's Local Plan (Also known as the Local Development Framework) and will be used by the District Council in determining planning applications.
- 1.4 Proposals for development in the Green Belt should comply with the adopted policies of the Sevenoaks Local Plan, the guidance set out in this document, and where relevant to residential proposals, that contained within the Residential Extensions SPD (Adopted August 2009). Planning applications which comply with the appropriate advice in both documents are likely to be considered favourably.
- 1.5 The SPD also takes into account the fact that the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 sets out type of extension which are permitted development and do not require planning permission. This SPD indicates the general parameters and the criteria by which proposals that require planning permission will be judged, and the implications of existing development built under permitted development on future planning proposals.

## The Purpose of Green Belt

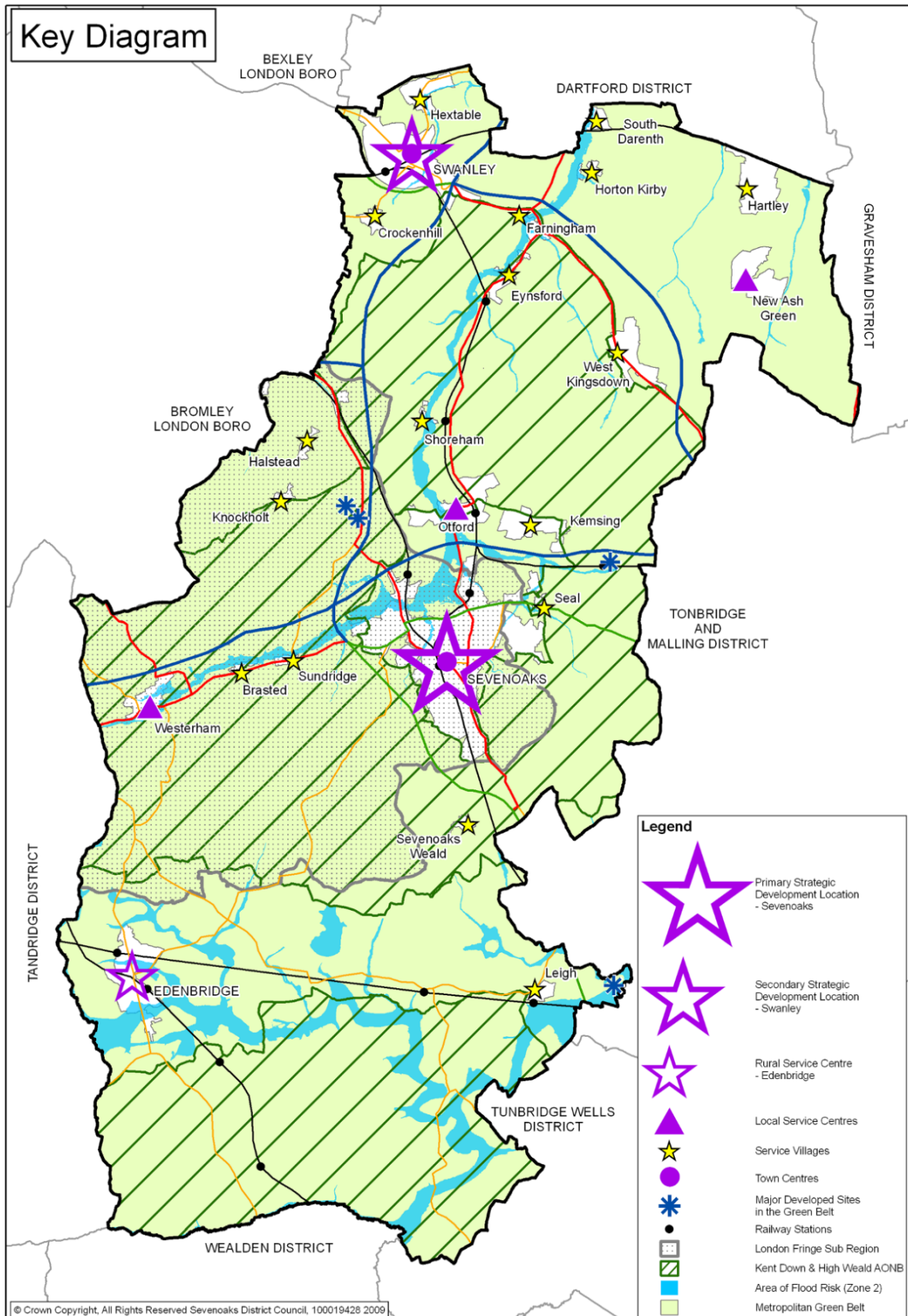
- 1.6 The fundamental aim of Green Belt policy is to prevent the uncontrolled spread of urban areas into open countryside. This is achieved by keeping land in the countryside permanently open or largely undeveloped.

- 1.7 Planning applications for development in the Green Belt are subjected to rigorous scrutiny to make sure the aims of the Green Belt are upheld. The 'openness' of the Green Belt is its most important attribute. Openness can be harmed by (among other things) new built form, external storage, extensive hardstanding, car parking and boundary walls or fencing.
- 1.8 Every application for development in the Green Belt is assessed against a number of criteria, with the most important test being the harm the development would have on openness.

### **The Green Belt in Sevenoaks District**

- 1.9 Sevenoaks is a large District lying to the south east of London with an overall area of just over 143 square miles (370 square km). It is long and relatively narrow measuring 20 miles north-south by about 7 miles east-west. The Thames Gateway lies to the north, Surrey and East Sussex to the west and south and the rest of Kent, including Tonbridge and Tunbridge Wells to the east and south east.
- 1.10 Despite adjoining the outer edge of London it is predominantly rural with 93% of the District designated as Green Belt. The quality of the landscape is also a distinctive feature of the area. The national significance of the landscape is recognised by the inclusion of 60% of the District within either the Kent Downs (to the North) or High Weald (to the South) Areas of Outstanding Natural Beauty (AONB).
- 1.11 At a national level the Metropolitan Green Belt aims to check the unrestricted sprawl of large built-up areas, to preserve the setting and special character of historic towns and assist in safeguarding the countryside from encroachment. It carries out all these roles in Sevenoaks.
- 1.12 At a local level the Council's Core Strategy (adopted February 2011) sets out that Green Belt is also aimed at assisting urban regeneration, by encouraging the recycling of derelict and other urban land. This is particularly important at Swanley town centre and to realise the potential within Sevenoaks town centre and adjoining areas.

- 1.13 It also remains a priority to locate development on previously developed land and for the reasons set out above it is particularly important to meet this challenge in the District where there are significant constraints on the development of greenfield land.
- 1.14 The Core Strategy Key Diagram outlines the extent of the Green Belt in Sevenoaks District.



The Core Strategy Key Diagram highlights the extent of the Green Belt



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## 2 OVERVIEW OF GREEN BELT POLICY

### The National Planning Policy Framework (NPPF)

- 2.1 The NPPF (paragraph 80) identifies the five purposes of the Green Belt as:
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 2.2 Paragraph 79 of the NPPF sets out that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also reiterates that the essential characteristics of Green Belts are their openness and their permanence.
- 2.3 Paragraph 81 states that once Green Belt has been defined local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; provide opportunities for outdoor sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or improve damaged and derelict land.
- 2.4 Paragraph 87 sets out that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in *Very Special Circumstances*. Inappropriate development in the Green Belt is harmful in principle, even if it is not visible from a public viewpoint.
- 2.5 Paragraph 89 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;*

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- *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.*

2.6 Paragraph 90 sets out 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.*

2.7 In summary the NPPF guidance sets out that extensions and alterations are acceptable provided that they do not result in disproportionate additions over and above the size of the original building and the replacement of existing buildings need not be inappropriate if it is not materially larger than the building it replaces.

2.8 Based on this advice it is for Local Planning Authorities to clearly identify the approach they will take to establishing what a proportionate addition is for an extension and the extent that a replacement buildings in the Green Belt can be enlarged. The Allocations and Development Management Plan (hereafter referred to as the ADMP) and this subsequent SPD are the Council's mechanisms for satisfying this requirement.

### **The Sevenoaks Local Plan**

2.9 The Core Strategy Development Plan Document (adopted February 2011) is the key strategic development plan document produced by Sevenoaks District Council.

2.10 The document sets out the strategic approach to Green Belt and demonstrates that existing Green Belt boundaries should be maintained. The Core Strategy also clearly

states that Green Belt land is not required for the Council to meet development needs up until 2026.

- 2.11 The ADMP sets out the generic development policies with regards to Green Belt and will be used by Development Management Officers when assessing planning applications that fall within the Green Belt. It provides the specific policies that apply to development in Sevenoaks District and that implement the strategic objectives of the Core Strategy. Therefore this document must be read in conjunction with the detailed policies of the ADMP.
- 2.12 Chapter 4 of the ADMP focuses on the Green Belt and details the key issues for the District including development to non residential buildings. Chapter 5 focuses around housing and the approach that the Council will take in considering residential proposals within the Green Belt.
- 2.13 Policies GB1, GB2 and GB3 sets out the criteria of re-using, extending and replacing non residential buildings within the Green Belt respectively, whilst Policies H4, H5, H6, H7 and H8 focus on residential development and include specific policies relating to extension to existing dwellings, replacement dwellings, basements, loft conversions and rural exception housing development within the Green Belt.
- 2.14 Advice as to how to interpret these policies and the approach the Council will take in implementing them are including within subsequent sections of this document.

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### 3 NEW BUILDINGS

3.1 The approach to new buildings in the Green Belt is set out within the NPPF and as such there is not a requirement to set out a repetitive local policy in the ADMP.

3.2 Paragraph 89 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.*

3.3 Developments that fall within the above list and that are deemed to be 'appropriate' development in the Green Belt in the NPPF will also be required to comply with the relevant policies in the Core Strategy and ADMP before planning permission will be granted.

#### **Limited Residential Infilling in Villages in the Green Belt**

3.4 Development in rural settlements is covered by Core Strategy Policy LO7, which sets out that small scale redevelopment and infilling will be permitted in the Service Villages, which have defined Green Belt boundaries.

3.5 The National Planning Policy Framework (NPPF) also states that limited infilling in villages is not inappropriate development in the Green Belt, provided it preserves the openness of the Green Belt.

- 3.6 Development in villages in the Green Belt is limited to small scale infilling only, due to the limited range of services and facilities in these settlements and the need to protect the openness of the Green Belt.
- 3.7 Limited infilling is defined as the completion of an otherwise continuously built-up frontage, by the filling of a small gap capable of taking one or at most two dwellings only, or the small scale redevelopment of existing properties within such a frontage. Such development must not have an adverse impact on the openness of the Green Belt. The scale, spaciousness and design of limited infill development must be consistent with the local village character.
- 3.8 Infilling in villages in the Green Belt is limited to the compact, central, substantially developed area of the settlement only.
- 3.9 Limited infilling will not be acceptable in low density residential areas, where gaps between dwellings form part of the character of the area and contribute to openness. It is also not acceptable in isolated or loose-knit groups of dwellings, where there is a break between the dwellings and the continuous built-up frontage of the village, even if they are on the edge of the settlement, in order to protect the openness of the Green Belt.

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## 4 CONVERSION OF BUILDINGS IN THE GREEN BELT

- 4.1 There is pressure in rural areas to convert existing farm buildings to residential or commercial use. The re-use of buildings in the Green Belt may be appropriate, providing that there is no additional impact on the openness of the Green Belt.
- 4.2 The reuse of existing buildings for a commercial use that would make a positive contribution to rural economy is strongly preferred to residential conversion. Core Strategy para 4.5.32 states that there will be a preference for the re-use of buildings in the Green Belt for local business and commercial uses or non residential tourist facilities as opposed to residential use, and this will be a material consideration in determining applications.
- 4.3 The conversion of buildings in the Green Belt will be supported providing the proposal meets the criteria contained in Policy GB1 of the ADMP, which states;

*Proposals for the re-use of a building in the Green Belt will be permitted where;*

*a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and*

*b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.*

*Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.*

*Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.*

- 4.4 The first criterion of the policy seeks to ensure that the re-use of the building would not result in an adverse impact upon the openness of the Green Belt of the character of the area.

- 4.5 Through criterion b) the policy also seeks to ensure that the re-use of poor quality and derelict buildings that require substantial rebuilding is resisted.
- 4.6 As a starting point when determining whether a proposal constitutes substantial new rebuilding, the Council will wish to see at least 75% of the original structure maintained to protect its rural character. However, the Council recognise that in some instances proposals may be able to protect the character of the existing building with a lesser proportion of the original structure being retained.
- 4.7 Further detailed guidance regarding information that should be submitted with a conversion application is included at **Appendix 1**.
- 4.8 To avoid increasing impact, conversions that involve disproportionate extensions will not be considered acceptable. Extensions to converted building may be controlled by the removal of Permitted Development Rights at the time of permission. Any proposals for extensions to converted buildings will be reviewed with particular attention to ensure that the proposals do not detract from the character of the original building.
- 4.9 Policies that relate to proposals for extensions and alterations to existing residential units in the Green Belt are included within the residential extensions section of this document.
- 4.10 Where the proposed conversion relates to an agricultural building, the applicant should demonstrate that the building is no longer required for agricultural purposes.
- 4.11 Where it is demonstrated and accepted that there is no longer an agricultural need for the building, the Council will not permit the future construction of new agricultural buildings of the same type and nature unless it is satisfied that circumstances have significantly changed that would warrant allowing the proposal. The purpose of this control is to ensure that new agricultural buildings in the Green Belt are not permitted solely for the intention of subsequent conversion.

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## 5 RESIDENTIAL EXTENSIONS AND REPLACEMENT DWELLINGS

- 5.1 The NPPF and ADMP policies allow additions and alterations to buildings in the Green Belt provided they do not result in disproportionate additions over and above the size of the original building.
- 5.2 This section relates solely to proposals for residential buildings and seeks to outline the approach to determining whether a proposal is proportionate and acceptable. Guidance on the policies for non residential buildings is included at Chapter 6.

### What is the Original Dwelling?

- 5.3 In determining Planning Application proposals for residential extensions or replacement dwellings in the Green Belt an assessment will be made against the impact of the 'original' existing development.
- 5.4 Establishing what the Council deems to be the 'original dwelling' depends on when the property in question was first built and whether it pre-dates the modern planning system. In many cases the 'original dwelling' will refer to the floorspace of the dwelling, when it was first constructed.
- 5.5 However for older homes constructed prior to July 1st 1948, the 'original dwelling' refers to the floorspace of the dwelling as it was on this date, when the Town and Country Planning Act was first introduced.
- 5.6 In either case any additions that have occurred since the 'original' dwelling date will be considered cumulatively and will count against the overall increase in floorspace of the dwelling when new additions are being assessed. This is because small reductions in openness, repeated many times, can have a cumulatively detrimental effect.
- 5.7 The original dwelling relates solely to the main dwelling and does not include ancillary outbuildings, whether subsequent or original, more than 5m from the dwelling. Any original outbuilding within 5m of the original dwelling may be included in the floorspace of the original dwelling.



- 5.8 Applications that seek the development of a former historic dwelling site, which has been demolished and the land returned to open use, will be resisted unless *Very Special Circumstances* have been demonstrated.

#### **Approach to Considering Residential Proposals**

- 5.9 The Council will seek to ensure consistency in decision making when determining planning applications for extensions to residential dwellings and replacement dwellings in the Green Belt.

- 5.10 Policy H4 of the ADMP is the policy by which residential extensions in the Green Belt will be considered. The policy states that;

*Planning applications proposals to extend an existing dwelling within the Green Belt will be considered appropriate where all of the following criteria are met:*

*a) the existing dwelling is lawful and permanent in nature; and*

*b) the design and proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the 'original' dwelling and does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion; and*

*If the proposal is considered acceptable when considered against criteria a) and b), the following criterion will then be assessed and must also be met for the proposal to be considered appropriate:*

*c) the applicant provides clear evidence that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally).*

*Planning applications that include the conversion of loft space through the addition only of roof lights will be permitted and will not be subject to the floorspace allowance in criterion c), provided there is no increase in volume or bulk as result of the proposal. Proposals for loft conversions that include the addition of dormer windows or other alterations that create volume or bulk will be subject to criterion c).*

- 5.11 Policy H5 of the ADMP is the policy by which replacement dwellings in the Green Belt will be considered. The policy states that;

*Planning applications proposals to replace an existing dwelling within the Green Belt will be considered appropriate where all of the following criteria are met:*

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- a) *the existing dwelling is lawful and permanent in nature; and*
  - b) *the design or volume proposed does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion;*
  - c) *the proposal adheres to the “original” dwelling curtilage;*
  - d) *the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the “original” dwelling (measured externally).*

*Construction of permanent dwellings as replacements for mobile homes or caravans will not be permitted.*

### **Lawfulness and Permanence**

- 5.12 Policies H4 and H5 adopt a sequential staged approach to considering proposals for extensions or replacement dwellings in the Green Belt.
- 5.13 Criterion a) for both policies requires that the existing dwelling is lawful and permanent in nature.
- 5.14 The term lawful means that planning permission was granted for the original construction of the dwelling, that the dwelling was constructed prior to the introduction of planning controls or that the dwelling was constructed unlawfully but a certificate of lawfulness has since been granted. An existing dwelling can also be lawful if created through an approved change of use or conversion. Any proposals that involve extensions to converted buildings will be reviewed with particular attention to ensure that the proposals do not detract from the character of the original building (see previous chapter on conversions).
- 5.15 Criterion a) also requires the dwelling to be permanent in nature. For the purpose of these policies permanent in nature means it must be built on permanent foundations with connections to water supply and electricity connections. Non permanent buildings such as summerhouses or portacabin buildings, even though they may have such infrastructure connections, do not constitute being permanent buildings and as such are not considered to be entitled to rights to extend under policies H4 and H5.
- 5.16 Once it is established whether the dwelling complies with Criterion a), Criterion b) is the key qualitative design based criterion for determining the acceptability of the proposal

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in terms of its impact upon the openness of the Green Belt. Criterion b) has to be complied with before consideration is given to the floor space requirements set out in the respective policies.

### **Consideration of Volume and Bulk**

5.17 Criterion b) in policy H4 states;

*‘the design and proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the ‘original’ dwelling and does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion’*

5.18 Whilst for policy H5 criteria b) states;

*‘the design or volume proposed does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion’*

5.19 The scale and form of an extension or replacement dwelling should not adversely impact on the character of the countryside or the openness of the largely undeveloped character of the Green Belt, which is its most important attribute.

5.20 The design and volume to be added by the development should not result in a large, bulky or intrusive building in the landscape which is likely to have a detrimental impact on an area largely free from development and would therefore fail to maintain the openness of the Green Belt.

5.21 The impact of the development on the countryside is clearly greater if located in a highly visible location. However, the test of impact still applies even if there are limited or no public views of it as, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. In some locations any extension or replacement dwelling may be inappropriate.

5.22 Where a development is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. Rural buildings often have a simple form or may possess a visual symmetry which should not be significantly altered.

### **Floorspace Allowance**

- 5.23 Criterion c) of policy H4 and criterion d) of H5 relate to a maximum floorspace allowance that will be allowed under the policies, but which only applies where criteria a), b) (and c) in the case of Policy H5) have been met in full.
- 5.24 The policies allow for a limited extension or moderately increased replacement dwelling directly related to the original dwelling. Therefore, the size of the original building rather than the size of the plot will be used in assessing the appropriate size increase that is likely to be acceptable.
- 5.25 As a general guide an appropriately proportioned enlargement, for the purpose of dwellings in the Green Belt is considered to be a floor space increase of no more than 50% of the original floor space of the dwelling. This is consistent with the approach of the previous Local Plan, but with policies H4 and H5 now placing greater emphasis on the design, volume increase, impact on openness and cumulative impact rather than the floor space figures defining what is acceptable under the policy.
- 5.26 The NPPF only excludes extensions from the presumption against inappropriate development if they are limited in size and do not result in disproportionate additions over and above the size of the original dwelling. It also only permits replacement buildings that are not materially larger than the building it replaces.
- 5.27 Development proposals that increase the floorspace of the original dwelling by 50% are likely to be substantial in size, and most likely to increase the impact of the dwelling on the Green Belt.
- 5.28 Applicants must be aware that an addition may be considered ‘disproportionate’ or ‘materially larger’ as a result of unacceptable design even where it is below the 50% floorspace increase allowance, depending on the other individual circumstances of the site, and what type of development is proposed.
- 5.29 The 50% increase applies to a total addition over the original dwelling and does not constitute a 50% increase per planning application.

- 5.30 The threshold has been set to ensure that owners of sites are treated in a consistent manner and that the same approach is applied to dwellings in the Green Belt regardless of the settlement or house type to which the proposal relates.

### **The Inclusion of Roof Lights**

- 5.31 Whilst the 50% floorspace approach has been successful in principle the Council acknowledges that the floorspace does not always fully reflect the impact of extensions or replacement dwellings on the size of the original building. Alterations to the roof can be made to a building that increase the floorspace without significantly affecting the size of the building, for example the use of loft space that includes roof lights can create extra accommodation in the roof space without any significant harm in terms of height and bulk, and consequently without any significant impact on openness.

- 5.32 In order to address this issue the final paragraph of Policy H4 states;

*'Planning applications that include the conversion of loft space through the addition only of roof lights will be permitted and will not be subject to the floorspace allowance in criterion c), provided there is no increase in volume or bulk as result of the proposal. Proposals for loft conversions that include the addition of dormer windows or other alterations that create volume or bulk will be subject to criterion c)'*

### **Residential Curtilage Restrictions for Replacement Dwellings**

- 5.33 Proposals for replacement dwellings should not be materially larger than the original. Therefore, to insure replacement dwellings do not result in significantly more intense impact, Criterion c) of Policy H5 restricts the replacement of dwellings to the originally defined residential curtilage to ensure the wider extent of the Green Belt is protected.

### **Basements**

- 5.34 The ADMP sets out that the construction of dwellings in the Green Belt with basements would not generally result in overly intrusive, bulky or high dwellings, or impact on the openness of the Green Belt in terms of the physical presence, providing that the basements are located entirely underground, are not visible externally and are not

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artificially raised above natural ground level. The acceptability of providing a basement level in addition to additional floor space at ground level is based on the fact that the basement is located entirely underground and therefore not materially impacting upon the openness of the Green Belt. Policy H6 therefore states;

*Proposals to extend or replace a dwelling in the Green Belt that includes the provision of a basement will be permitted and will not be subject to the floorspace allowance as set out in policies H4 and H5, if the following criteria are met;*

- a) The elements of the proposal situated above ground complies with Policy H4 (extension) or H5 (replacement dwellings) in all other respects;*
- b) The basement does not exceed the footprint of the extension or replacement dwelling;*
- c)The basement is situated entirely underground with no part of it visible at any point externally;*
- d)There are no external windows, entrances or exits to the basement;*
- e)The extension or replacement dwelling is not artificially raised above natural ground level to accommodate the extension.*

*For basement proposals that do not comply with the above, the floorspace of the basement shall be included within the calculation for the purpose of Policy H4 or H5. Where this would result in an increase of more than 50% of the floor space of the original dwelling it is for the applicant to demonstrate Very Special Circumstances exist to justify the proposal.*

- 5.35 Criterion a) provides clarity that developments that seek to include basements are not considered in isolation to policies H4 or H5, but instead need to comply with these relevant policies in addition to the requirements set out in H6.
- 5.36 Criterion b) restricts basements to the footprint of the extension or replacement dwelling in order to ensure that only an acceptable level of accommodation is provided underground and that basement accommodation does not expand beyond the extent of the dwelling. For this reason basements will also be restricted to single storey underground.
- 5.37 Criteria c), d) and e) requires that the basement be situated entirely underground with no part of it visible at any point externally, no external windows, light-wells, entrances or exits should be provided and the extension or replacement dwelling should not be artificially raised above natural ground level to accommodate a basement. Compliance with these three criteria is essential if an applicant wishes to see the basement floor space excluded from the 50% floor space increase criterion. Where these criteria are

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not met the Council will include any floorspace created by the inclusion of a basement as counting towards the 50% allowable floorspace increase.

- 5.38 Where a basement is accepted as an exclusion to the 50% increase allowance, permitted development rights for further extensions may be removed to prevent unreasonably large sized dwellings (by controlling their scale and appearance) and to prevent any potential negative impact on the openness of the Green Belt.

### **Residential Outbuildings in The Green Belt**

- 5.39 The ADMP recognised that permitted development rights exist for certain outbuildings and that many proposals will not require planning permission.

- 5.40 In order to manage the impact of outbuilding on Green Belt openness, policy H7 states;

*Proposals for residential outbuildings, within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under policy H4 if the proposed outbuilding would be located within 5m of the existing dwelling.*

*Outbuildings located more than 5m from the existing dwelling will be permitted where the following criteria are met:*

- 1) the design, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion;*
- 2) the outbuilding does not exceed 40 sqm.*

- 5.41 Where planning permission is required for these structures in the Green Belt, and where the outbuildings are more than 5m from the existing dwelling, outbuildings up to 40sqm will be permitted in addition to the allowance under policies H4 or H5 if the design and cumulative impact would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

- 5.42 Clusters of buildings would have a more intrusive impact upon Green Belt openness and therefore proposals for residential outbuildings will be treated as an extension under policy H4, or as part of the replacement dwelling under policy H5, if the proposed outbuilding would be located within 5m of the existing dwelling.

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- 5.43 The Council will seek to ensure that such proposals do not dominate the main dwelling or its setting, and do not have an adverse impact on the openness of the Green Belt. Such buildings should be clearly ancillary to the main dwelling in terms of function and design and as such the outbuilding should not exceed 40 sqm.
- 5.44 Whether planning permission is required or not, the design of outbuildings should not impact detrimentally on the space surrounding buildings and must be limited in scale.

#### **Dwellings Permitted Under Very Special Circumstances or As Rural Exceptions**

- 5.45 Policies H4, H5, H6 and H7 will not apply to dwellings permitted under *Very Special Circumstances* or as rural exception (local needs) affordable housing schemes. The NPPF provides opportunity for applicants to pursue development in the Green Belt based on a *Very Special Circumstances* case if proposals are contrary to national and local Green Belt policy. Where developments are or have been allowed under *Very Special Circumstances* they have been permitted in instances where development would not usually have been allowed, and as such it is reasonable that further extensions or a replacement dwelling that would impact upon the openness should be resisted. The Council will therefore remove permitted development rights for developments allowed under *Very Special Circumstances* and will refuse future proposals for extensions and outbuildings that impact upon Green Belt openness in any way.
- 5.46 In a parallel process, Core Strategy Policy SP4 and predecessor policies from earlier versions of the Local Plan, have allowed small scale affordable housing developments in the Green Belt where rural housing needs surveys have demonstrated a local need for affordable housing. As these developments are, or have been, allowed as exceptions to normal Green Belt policy or as affordable units to be maintained as such in perpetuity, it is not reasonable to allow significant future extensions and additions. Therefore as with *Very Special Circumstance* dwellings, the Council will remove permitted development rights and refusal future proposals for extensions and outbuildings that impact upon Green Belt openness.
- 5.47 Similarly, the NPPF allows the construction of agricultural workers dwellings in the countryside, where there is an 'essential need for a rural worker to live permanently at



or near their place of work in the countryside'. As above, the Council will remove permitted development rights and refusal future proposals for extensions and outbuildings that impact upon Green Belt openness.

5.48 Taking the above into consideration, Policy H8 states;

*Where new dwellings are permitted in the Green Belt on grounds of Very Special Circumstances or as part of a rural exception scheme, the Council will remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively impact upon the openness of the Green Belt.*

*Applications to extend dwellings or erect or extend outbuildings to dwellings that have or are permitted on grounds of Very Special Circumstances or as part of a rural exception scheme will not be permitted.*

5.49 A worked example of how the Council will consider planning applications against policy H4 is included at Appendix 2, whilst an example against policy H5 is included at Appendix 3.

## 6 NON RESIDENTIAL EXTENSIONS, REPLACEMENT BUILDINGS AND REDEVELOPMENTS

6.1 The Council will seek to ensure consistency in decision making when determining planning applications for non residential extensions or replacement buildings in the Green Belt. However, unlike houses, commercial buildings vary widely in shape, size and function and as such a general floorspace increase allowance would not be appropriate or workable for the extension or replacement of non residential buildings.

6.2 Instead, the Council will adopt a design based approach that will assess proposals against the impact that they would have on Green Belt openness, as detailed within this chapter.

### **Approach to Considering Non Residential Extensions and Single Replacement Buildings**

6.3 Policy GB2 of the ADMP sets out how the Council will consider extensions to non residential buildings in the Green belt. It states that;

*Planning application proposals to extend an existing non residential building within the Green Belt will be considered appropriate where the following criteria are met:*

*a) the existing building is lawful and permanent in nature;*

*b) the design and proposed volume of the extension, taking into consideration the cumulative impact of any previous extensions, is proportional and subservient to the 'original' building and does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.*

6.4 Policy GB3 of the ADMP sets out how the Council will consider non residential replacement buildings in the Green belt. It states that;

*Planning applications proposals to replace an existing non residential building within the Green Belt will be considered appropriate where the following criteria are met:*

*a) the existing building is lawful and permanent in nature;*

*b) the design and proposed volume of the replacement building are proportional to the 'original' building and does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion; and*

*c) the replacement building would be within the same use as the building to be demolished.*

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## Lawfulness and Permanence

- 6.5 Policies GB2 and GB3 adopt a sequential staged approach to considering proposals for extensions or replacement of non residential buildings in the Green Belt.
- 6.6 Criterion a) for both policies requires that the existing dwelling is lawful and permanent in nature.
- 6.7 The term lawful means that planning permission was granted for the original construction of the building, that the building was constructed prior to the introduction of planning controls or that the building was constructed unlawfully but a certificate of lawfulness has since been granted.
- 6.8 Criterion a) also requires the building to be permanent in nature. For the purpose of these policies, permanent in nature means it must be built on permanent solid foundations. Portacabins, Caravans and Mobile Homes are not considered to be permanent buildings and as such are not considered to be entitled to rights to extend or be replaced under policies GB2 or GB3.

## Consideration of Volume and Bulk

- 6.9 Once it is established whether the existing building is permanent and lawful Criterion b) is the key qualitative design based criterion for determining the acceptability.
- 6.10 For policy GB2, Criterion b) states;

*'the design and proposed volume of the extension, taking into consideration the cumulative impact of any previous extensions, is proportional and subservient to the 'original' building and does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion'.*

- 6.11 For policy GB3, replacement non residential buildings, criteria b) states;

*'the design and proposed volume of the replacement building are proportional to the 'original' building and does not materially harm the openness of the Green Belt through excessive bulk or visual intrusion'*

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- 6.12 The scale and form of an extension or replacement non residential building should not adversely impact on the character of the countryside or the openness of the largely undeveloped character of the Green Belt, which is its most important attribute.
- 6.13 The design and volume to be added by the development should not result in a large, bulky or intrusive building in the landscape which is likely to have a detrimental impact on an area largely free from development and would therefore fail to maintain the openness of the Green Belt.
- 6.14 The impact of the development on the countryside is clearly greater if located in a highly visible location. However, the test of impact still applies even if there are limited or no public views of it as, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. In some locations any extension or replacement building may be inappropriate.
- 6.15 Where a development is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the building. Rural buildings often have a simple form or may possess a visual symmetry which should not be significantly altered.
- 6.16 In order to comply with National Planning Guidance, criterion c) of Policy GB3 requires that the replacement building would be within the same use as the building to be demolished.

### **Brownfield Site Redevelopments**

- 6.17 Sevenoaks District has a number of historic brownfield developed sites within the Green Belt, including sites identified as Major Developed Sites in the Green Belt in the Core Strategy DPD.
- 6.18 Paragraph 89 (Bullet 6) of the NPPF states that;

*'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'.*

6.19 In line with the NPPF the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green. The Council will consider the impact of proposals on a case by case basis and the unique circumstances of the site. However, as a starting point, the Council would generally expect redevelopment proposals to :

- (a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*
- (b) not exceed the height of the existing buildings;*
- (c) not occupy a larger area of the site than the existing buildings.*

6.20 The most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the "footprint"), excluding temporary buildings, open spaces with direct external access between wings of a building, and areas of hardstanding. However the Council will consider alternative approaches to determining impact if there is justification to do so.

6.21 The character and dispersal of proposed redevelopment will need to be considered as well as its footprint. For example many houses may together have a much smaller footprint than a few large buildings, but may be unacceptable because their dispersal over a large part of the site and enclosed gardens may have an adverse impact on the character of the Green Belt

6.22 Proposals for protected employment sites and designated Major Developed Sites in the Green Belt will also be subject to relevant policies contained in the ADMP and the Core Strategy, including policy SP8 that seeks to protect existing employment sites.

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## 7 AGRICULTURE AND FORESTRY

- 7.1 New buildings that are demonstrably essential for agriculture or forestry purposes are considered to be appropriate development in the Green Belt.
- 7.2 Where possible these buildings should normally form part of a group, rather than stand in isolation and should relate to existing buildings in size and colour. However, in certain circumstances, new buildings of modern design may sometimes be best separated from a group of traditional buildings to avoid visual conflict.
- 7.3 Where it is at an acceptable distance, the site selected should be close to an existing highway in order to avoid long obtrusive driveways. The development should relate to landscape features such as woodland or hedgerows and not harm views of the skyline.
- 7.4 Applicants should include arrangements for siting, access, curtilage, boundary treatment, materials and landscaping in their plan proposals.
- 7.5 Although many agricultural and forestry related proposals may benefit from permitted development rights, the Council may request details of siting, design and external appearance to be submitted prior to approval for works to commence.

### **Agricultural and Forestry Workers Accommodation**

- 7.6 Applications for agricultural or forestry workers dwellings are excluded from permitted development and therefore always require full planning permission in addition to fulfilling relevant functional and financial tests of their business.
- 7.7 If the proposal is to enable an agricultural or forestry worker to live at, or in the immediate vicinity of their place of work on a temporary or permanent basis, as part of their planning application, applicants are required to demonstrate that they have first examined the possibility of providing the accommodation by alternative means other than locating it upon the land.
- 7.8 Where workers accommodation cannot be provided in the local area or by conversion of an existing building on site, there will be a requirement to provide evidence in support of

both financial and functional tests. For permanent accommodation, the Council will need to be satisfied that there is a long term need for such accommodation.

- 7.9 Workers accommodation should be sited close to existing farm buildings wherever possible. An occupancy condition tying the accommodation to the employment use will be applied as a matter of course. Permitted development rights from the proposed new buildings are likely to be removed, in order to safeguard the openness of the Green Belt from further development.

## 8 LEISURE, TOURISM AND EQUESTRIAN DEVELOPMENT

### Leisure Proposals

- 8.1 Sevenoaks District has a wide range of natural and cultural attractions throughout the area. They form the basis of the tourism industry that is vital to the local economy.
- 8.2 The Core Strategy has an objective to safeguard existing open spaces, sport and recreational facilities that meet community needs and improve provision where necessary.
- 8.3 The erection of new buildings for the purpose of leisure or tourism would be considered to be inappropriate development in the Green Belt unless it would provide essential facilities for outdoor sport and recreation that preserve the openness of the Green Belt and do not conflict with its overall purpose. Where this does not apply, *Very Special Circumstances* must be demonstrated for any proposals for tourism.
- 8.4 The Council will encourage the conversion, extension or replacement of buildings into tourism facilities providing the proposal complies fully with respective policies GB1, GB2 and GB3 of the ADMP.
- 8.5 Any proposal for should also comply with the other relevant generic policies set out in the ADMP

### Equestrian Development

- 8.6 The Core Strategy acknowledges and identifies horse riding as a significant recreational activity in rural areas of Sevenoaks District, which offers benefits to local communities.
- 8.7 Horse and other equestrian-related activities are popular forms of recreation in the countryside that can fit in well with farming activities, and help diversify the rural economy.
- 8.8 The Council will support equine enterprises in the Green Belt that maintain environmental quality and countryside character.



- 8.9 Policy LT3 of the ADMP includes guidance with regards to Equestrian Development in the Green Belt and states;

*Proposals for equestrian development in the green belt will be permitted where the scale of the development is appropriate to a green belt setting, and where the cumulative impact of other equestrian buildings, does not harm the openness of the Green Belt. New buildings for indoor equestrian centres will not be permitted in the Green Belt.*

- 8.10 The Council will permit equestrian facilities within the Green Belt providing the proposal complies fully with Policy LT3 of the ADMP.
- 8.11 Any proposal for equestrian development should also comply with the other relevant generic policies set out in the ADMP and the Green Belt design guidance contained within this document.

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## 9 CHANGE OF USE OF GREEN BELT LAND

9.1 Permission is often required if a proposal would result in the change of use of land or buildings. The use of land can by its very nature have a greater impact on the openness of the Green Belt than the current authorised use, for example by the stationing of a mobile home on land, or the use of land as a car-park, and therefore impact would need to be assessed. A common change of use in the Green Belt is from an agricultural use to a recreational use such as horse riding. The following section explains how change of use applications will be considered.

### Garden / Curtilage Extensions

9.2 Owners of homes in the Green Belt sometimes want to extend their garden, or 'curtilage', into the surrounding countryside. These types of extensions are considered to be a change of use and can detrimentally impact on the openness of the Green Belt. This process can be cumulative and over time can lead to suburbanisation and urban sprawl.

9.3 For these reasons, garden and curtilage extensions in the Green Belt are considered to be inappropriate and will not be permitted.

### Recreation

9.4 Use of land in the Green Belt can provide opportunities for outdoor recreation and outdoor sporting activities near urban areas. Provision may be made for structures related to outdoor recreation as long as they are considered to be appropriate.

9.5 Where outdoor recreation activities are acceptable in principle, they may still result in unacceptable adverse impacts. The landscape setting and the visual amenity of the countryside may be affected as well as other possible impacts from noise, traffic generation, car parking, lighting, and disruption to residential amenity.

9.6 New buildings should be limited to facilities that are the minimum essential for the operation of the associated activity, for example small changing rooms. 'Appropriate

Facilities' means that they are genuinely required for uses of land that preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.

- 9.7 The erection of horse related structures such as stables, fences, and jumps can fall within the definition of appropriate Green Belt development provided that they are small in scale. Such developments may not require the benefit of planning permission subject to certain criteria being met, providing the use of the land is authorised for the keeping of horses.

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## 10 DESIGN GUIDANCE

10.1 The following considerations are applicable to all development in the Green Belt, unless otherwise stated. These issues should be considered thoroughly by the applicant when preparing any proposal within the Green Belt.

### Siting and Visual Design

10.2 Careful consideration should be given to the impact of the proposal when viewed from locations in both the immediate vicinity and the wider countryside. The view of the proposal from main roads, public footpaths and settlements will be given significant weight when assessing planning applications.

10.3 Applicants should give careful consideration to the design, colour, materials and use of appropriate landscaping in order to minimise the impact of extensions and new buildings.

10.4 Buildings located on the crest of a hill are visually intrusive. If such a location is unavoidable, special consideration will be necessary to minimize the impact.

10.5 On sloping sites it is normally best to align a building parallel with the contours and use cut and fill as opposed to underbuilding. If different floor levels are practicable, the building should be stepped down the slope.

10.6 Existing trees and hedgerows should be retained where possible and new buildings should respect the existing field boundary pattern.

### Scale and Form

10.7 The apparent size of a building can be influenced by the siting, choice of colour and detailing of the exterior walls and roof. The Council will seek to minimise the impact of the scale of proposals by negotiating on these issues.

10.8 Normally, a large new building should not be located too close to an existing small one, since this will accentuate the scale of the new building. Trees or other forms of landscaping can sometimes help to mask the difference in scale.

10.9 Where possible roof pitches should be matched to those of existing buildings, even where it is perceived that a low roof pitch might reduce the total height of the building. It is sometimes preferable that new roofs appear in harmony with existing roofs.

10.10 Large roofs can be broken up by functional elements such as ventilators, skylights, gutters and downpipes.

### **Surroundings**

10.11 Consideration must be given to the best way of integrating a new building with its immediate surroundings and landscape.

10.12 Existing trees, shelterbelts and other biodiversity features (e.g. ponds, unimproved grassland, etc) should be retained, and where appropriate enhanced.

10.13 Wherever possible, native trees should be used for new planted areas, rather than fast growing conifer hedges. Any new planting should be first agreed with the Council. Any areas proposed for new planting should take account of any plans for future development.

10.14 Sustainable drainage systems should be included as part of on site green infrastructure to reduce the risk of surface water flooding. Any systems should have appropriate management arrangements. Planting assists in water retention and amelioration of any flooding issues.

10.15 Waste material and redundant machinery should be removed, as should obsolete buildings except where those constructed in the local style and are worth retaining.

10.16 Consideration should be given to how hard-surfaced areas will link together and where resurfacing is needed, use materials that are in-keeping with the surrounding area. Non-porous surfaces that aggravate water run-off should be avoided where feasible.

### **Landscape and Design**

10.17 Landscapes are very important to the openness and amenity of the Green Belt. All applications for development in the Green Belt will be required to demonstrate how they protect the openness and amenity of the Green Belt, through careful siting and the design of buildings and all external areas, landscape works and planting.

10.18 Further information can be found in the Sevenoaks District Countryside Character Assessment SPD.

### **Materials and Colour**

10.19 Materials should be sympathetic with the location, minimising visual impact. Applicants should take into consideration any local vernacular when selecting materials and colours for their building.

10.20 The use of dark colours for window and door frames, guttering and other such elements is often preferable to lighter colours but this will often also depend on the materials used within the building fabric. The use of overly bright colours should generally be avoided.

10.21 In relation to agricultural buildings, with a wide range of cladding materials and colours available, applicants should consider using materials and colours that have been used on similar buildings, if located within a farm complex. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area.

### **Extensions**

10.22 Detailed design guidance is available in the Council's Residential Extensions SPD (2009). The scale and form of an extension should not adversely impact on the character of the countryside or the openness of the largely undeveloped character of the Green Belt, which is its most important attribute.

10.23 The design and volume to be added by the extension should not result in a large, bulky or intrusive building in the landscape which is likely to have a detrimental impact on an area largely free from development and would therefore fail to maintain the openness of the Green Belt.

- 10.24 The impact of an extension on the countryside is clearly greater if located in a highly visible location. However, the test of impact still applies even if there are limited or no public views of it as, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. In some locations any extension may be inappropriate.
- 10.25 Where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. Rural buildings often have a simple form or may possess a visual symmetry which should not be significantly altered.
- 10.26 Extensions should not overwhelm or destroy the original form of the building, but should appear secondary to it. The scale of an extension should fit unobtrusively with the building and its setting. An extension which infills a void between existing parts of a building, such as a space in an 'L' shaped house, may be less obtrusive and could reduce impact on the openness of the Green Belt.
- 10.27 Roof shape is critical to creating a successful built form. The pitch of extension roofs should be as, or similar to, the main house roof pitch. It should be noted that a flat roof extension in the countryside designed in order to reduce the bulk of the proposal is unlikely to be acceptable in appearance.
- 10.28 Particular account will be taken of the cumulative impact of extensions, including the effect on the character of the original property. Repeated extensions to properties impact significantly on the original form and can have a cumulatively detrimental effect.

### **Replacement Buildings**

- 10.29 The scale and form of a replacement dwelling in the Green belt should not adversely impact on the character of the countryside or the openness of the largely undeveloped character of the Green Belt, which is its most important attribute.
- 10.30 The design and volume of the replacement should not result in an excessively large, bulky or intrusive building in the landscape which is likely to have a detrimental impact

on an area largely free from development and would therefore fail to maintain the openness of the Green Belt.

10.31 The impact of replacement dwelling is clearly greater if located in a highly visible location. However, the test of impact still applies even if there are limited or no public views of it as, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable.

10.32 Roof shape is critical to creating a successful built form. The pitch of replacement dwelling roofs should be as, or similar to, the original house roof pitch to reflect the character of the original dwelling and surrounding area. Roof shape also determines the rate at which run-off enters the drainage system in periods of intense rainfall and this should be taken into consideration.

### **Outbuildings**

10.33 Outbuildings should be ancillary to the main dwelling and their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes should not normally need to exceed a single storey in height or have excessive volume.

10.34 The outbuilding should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion.

10.35 There should be no adverse impact on the character or openness of the countryside. In order to contain the sprawl of buildings, any separate buildings should be well located and orientated to the original dwelling.

10.36 Garages and outbuildings should not compete with the main house. Often secondary buildings were traditionally erected with a simplicity of design. This may be used to good effect to reinforce the distinction between the original building and the secondary building. The form of garages and outbuildings (including roof pitches) and architectural features should be in keeping with the existing and surrounding properties.



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10.37 Where permission is granted for an outbuilding, a suitably worded condition may be imposed, or legal agreement required, to ensure that outbuildings are retained for purposes ancillary to the main dwelling and to prevent their conversion without the approval of planning permission. Consideration will also be given to the need to remove permitted development rights.

## 11 VERY SPECIAL CIRCUMSTANCES

11.1 There are some situations that may allow certain developments to take place in the Green Belt, which under any other circumstances would not be allowed. These are known as '*Very Special Circumstances*' and if proven, are treated as a departure from the Development Plan.

11.2 When attempting to prove *Very Special Circumstances* the onus is on the applicant to prove that the exceptional nature of the proposal outweighs the harm that it would cause to the Green Belt.

11.3 Circumstances that are accepted as being "very special" are very rare, but will usually involve a specific judgement being made that no other option is available in light of the unique circumstances and individual case. These circumstances are not common and are unique 'one-offs' that are rarely likely to be repeatable.

11.4 If a proposal is against Green Belt policy it would therefore be inappropriate development. In such circumstances an application may still be submitted, however the Council would have to judge there to be *Very Special Circumstances* for it to be permitted.

11.5 Each '*Very Special Circumstances*' argument will be judged on its own unique set of circumstances. Any accepted case would not necessarily result in a precedent for similar arguments on the same or alternative sites.

### 'Departures' from the Local Plan

11.6 If the Council receives an application considered to be inappropriate development in the Green Belt, yet considers approving it, the decision is considered to be a departure from the Development Plan. The Council may need to send the planning application to the Secretary of State giving them the opportunity to 'call it in' to make their own determination.

11.7 This process ensures that the Secretary of State has the opportunity to consider whether to call-in the more significant and potentially most harmful proposals for inappropriate development, thereby helping to strengthen planning controls in the Green Belt.

11.8 Applications will be referred to the Secretary of State if:

- the Council does not plan to refuse the application; and
- the application is considered to be inappropriate development in the Green Belt and involves either:

a) the construction of a building or buildings with a floor space of more than 1,000 square metres; or

b) any other development that, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.



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## GLOSSARY

Explanation of some planning terms commonly used:

**Amenity** - positive element that contributes to the overall character or enjoyment of an area.

**Cumulative Impact** - A number of developments in a locality or a continuous activity over time that together may have an increased impact on the environment, local community or economy.

**Curtilage** - The enclosed area immediately surrounding a house or dwelling.

**Departure** - A proposed development that is not in accordance with the Development Plan, but for which the local planning authority proposes to grant planning permission.

**Development Management/Control** - The process whereby a local planning authority receives and considers the merits of a planning application and whether it should be given permission.

**Development Plan Documents (DPD):** The documents that a local planning authority must prepare (To make up its LDF/Local Plan), and which have to be subject to rigorous procedures of community involvement, consultation and independent examination. Should include the following elements

- Core strategy
- Site specific allocations of land
- Area action plans (where needed); and
- Proposals map (with inset maps, where necessary).

**Dwelling** - A self-contained building or part of a building used as a residential accommodation, usually housing a single household.

**Green Belt** - A designation for land around certain cities and large built-up areas, which aims to keep this land permanently open or largely undeveloped.

**Infill Development** - The completion of an otherwise substantially built-up frontage, by the filling of a small gap capable of taking one or two dwellings, or the small scale redevelopment of existing properties within such a frontage

**Development Plan** - This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.)

**Local Plan (Formerly Local Development Framework)** - The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

**Local Planning Authority** - The authority entitled to make a particular planning decision. Sevenoaks District Council determine all planning applications in their administrative area.

**National Planning Policy Framework** - Produced by the Government in March 2012 to guide Local Authorities when they are producing their Local Plans and determining planning applications. The NPPF replaced most of the guidance previously contained in Planning Policy Guidance Notes and Policy Statements (PPGs/PPSs).

**Planning Permission** - Permission to carry out development issued by a local planning authority.

**Rural Exception Sites** - Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

**Supplementary Planning Documents** - Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Urban Sprawl** - The uncontrolled or unplanned extension of urban areas into the countryside.

**Very Special Circumstances (VSC's)** - unique and rare situations that may allow certain developments to take place in the Green Belt, which under any other circumstances would not be allowed. If proven, VSC's are treated as a departure from the Development Plan.

**Washed Over** - If a village is 'washed over', it is treated as being part of the Green Belt and the Green Belt policies apply to any development in the village.

## APPENDIX 1 – CONVERSION GUIDANCE

For any proposed conversion the Council needs to be satisfied that:

- A building is structurally sound at the time the application is submitted.
- That it is capable of being converted without significant re-building, and
- Can remain standing as existing throughout the construction process.

### Minimum information required:

- A structural survey of the existing building, to include an internal inspection.
- Attached to the survey should be plans and elevations of the existing building highlighted to show any remedial work such as under-pinning or replacement roof timbers that would be required and to show any areas that would or may need re-building, even if this is only localised, such as demolition of the wall under a window to make it a door. Clarify whether the roofing material and structure is to be removed and replaced.
- Where there are concerns about the stability or amount of re-building proposed, this should be clarified or the application refused due to lack of information to confirm whether the building is capable of conversion.
- A method statement should set out how you intend to keep the building standing and stable in its current state throughout the construction process. They may need to refer to how vulnerable walls will be protected when new openings are formed or when there is under-pinning. If the existing structure is not going to be load bearing, will it be strong and stable enough to remain standing whilst the new structure / foundations are built around it. Identify which parts of the existing structure and materials will remain, be repaired or replaced.

### Typical Brief for Structural Survey.

Outline: The survey should include:

- The inspection of visible, exposed and accessible parts of the fabric of the building.
- Refer to building services, drainage, outbuildings as well as the load bearing structure and general fabric of the building.
- Details of all defects or potential defects.
- If the survey indicates that the condition of the building's structure or the potential for future movement or deterioration cannot be accurately predicted, this should be stated.

### Detailed requirements to consider:

- Are the walls, roof and any other load bearing elements adequate on their own and in their current condition to allow for the conversion of the building for the purpose intended? If not, what remedial work is required e.g. repairs, replacements of some parts, a new roof structure, an independent internal load bearing structure.
- Confirm whether there are any existing foundations and if so, whether they are adequate to allow for the conversion of the building for the purpose intended.
- If new foundations are required in whole or part or the existing foundations need to be re-enforced, comment on the impact this may have on the existing structure. For example, could such work affect the stability of a wall?
- Do any parts of the structure require work to guarantee structural stability?
- Is the structural stability of the building sufficient to be maintained whilst work is undertaken to convert the building for the purpose intended?

- A defects drawing and report is required.
- A drawing and report to confirm the extent of remedial works is required.

When considering the structure and whether it is adequate for the purpose intended, consideration should be given to the requirements of the Building Regulations.

Please note that for conversion of buildings in the Green Belt the Council needs to be satisfied that any conversion can be carried out without the need for significant rebuilding and without additions. The survey should need to bear this in mind.

## APPENDIX 2 – PRACTICAL EXAMPLE OF HOW THE COUNCIL WILL DETERMINE AN APPLICATION AGAINST POLICY H4: LIMITED EXTENSIONS OR OUTBUILDINGS TO EXISTING DWELLINGS IN THE GREEN BELT

The Council will require full floorspace and elevation drawings of the existing and proposed dwelling, clearly indicating, if applicable, the extent of any previous extensions in order to calculate the floorspace. Failure to submit such drawings may make the application invalid.

The Council will also require a breakdown of the applicant's floor space figures detailing how the proposals comply with the details of the policy.

Upon receipt of a valid planning application, the Council will assess an application based on the following steps;

**Step 1:** The Council will determine whether the existing dwelling is lawful and permanent in nature.

**Step: 2:** The case officer will visit the site and determine whether the design and proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the 'original' dwelling and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

**If the proposal is considered acceptable when considered against steps 1 and 2, the council will review the floorspace figures as detailed below.**

**Step 3:** The Council will determine what they believe to be the floorspace of the original dwelling (A).

**Step 4:** The Council will determine the total floorspace that the proposed extension or alteration seeks to add (B)

**Step 5:** The Council will determine the floorspace of any previous extensions or alterations (C).

### **Step 6: Calculation**

If the floorspace of the dwelling as proposed, plus the floorspace of any previous extensions are equal or less than the total floorspace of the original dwelling plus 50% increase, then the proposal will be considered to comply with criterion c) of the policy.

If it is greater than an 50% floorspace increase, the Council will consider the proposal a disproportionate addition contrary to the policy unless 'Very Special Circumstances' apply or unless a case has been submitted under policy H6 that justifies the additional floor space.



## APPENDIX 3 - HOW THE COUNCIL WILL DETERMINE AN APPLICATION AGAINST POLICY H5: REPLACEMENT DWELLINGS IN THE GREEN BELT

The Council will require full floorspace and elevation drawings of the existing and proposed dwelling, clearly indicating, if applicable, the extent of any previous extensions in order to calculate the original floorspace. Failure to submit such drawings may make the application invalid.

The Council will also require a breakdown of the applicant's floorspace figures detailing how the proposals comply with the details of the policy.

Upon receipt of a valid planning application, the Council will assess an application based on the following steps;

**Step 1:** The Council will determine whether the existing dwelling is lawful and permanent in nature;

**Step: 2:** The case officer will visit the site and determine whether the design and proposed volume of the replacement dwelling would materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

**Step 3:** The Council will ensure that the curtilage of the proposed replacement dwelling adheres to that of the original dwelling.

**If the proposal is considered acceptable when considered against steps 1, 2 and 3 the council will review the floorspace figures as detailed below.**

**Step 4:** The Council will determine what they believe to be the floorspace of the original dwelling (A).

**Step 5:** The Council will determine the total floorspace of the replacement dwelling (B)

**Step 6:** The Council will determine the floorspace of any retained extensions, alterations or outbuildings (C).

### **Step 7: Calculation**

If the floorspace of the replacement dwelling, plus the floorspace of any retained extensions, alterations or outbuildings are equal or less than the total floorspace of the original dwelling plus 50% increase, then the proposal will be considered to comply with criterion d)

If it is greater than an 50% floorspace increase, the Council will consider the proposal a disproportionate addition contrary to the policy unless *'Very Special Circumstances'* apply or unless a case has been submitted under policy H6 that justifies the additional floor space.