

3.3 – SE/11/03184/FUL      Date expired 4 September 2012

PROPOSAL:                                      Erection of metal fencing around perimeter of site.

LOCATION:                                        Land North Of Downsview, 48 Green Court Road,  
Crockenhill, Kent

WARD(S):                                        Crockenhill & Well Hill

#### ITEM FOR DECISION

The application has been called to committee at the request of Cllr. Mrs. Dibsdall on the following grounds:-

- 1)        A fence is required to ensure that the B8 land is separate from the Parish Council land behind and whilst hedging to hide the fencing would be better, this will take sometime to cultivate and the fence is required now. The unsightly containers piled three high will not be hidden by any fencing/hedge and these are the subject of the main objections locally.
- 2)        The fencing proposed in this application is better than that originally proposed.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:-

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness by way of its height, solid appearance and design. No very special circumstances have been put forward that clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policies SP5 of the South East Plan L08 of the Core Strategy and the National Planning Policy Framework.

The proposed fence would by virtue of its size and design, represent an alien and intrusive feature which would have an adverse impact on the visual quality of the landscape. The proposed development would therefore have a detrimental impact on the character of the countryside and the open visual appearance of the Green Belt. This conflicts with policy EN1, policies SP1 and L08 of the Sevenoaks Core Strategy, policies SP5 and C4 of the South East Plan and the advice and guidance in National Planning Policy Framework.

Insufficient information has been submitted to demonstrate that the proposal would not adversely impact upon the protected trees located on the eastern and southern boundaries of the site. This conflicts with policy EN1, policies SP1 and L08 of the Sevenoaks Core Strategy, policies SP5 and C4 of the South East Plan and the advice and guidance in National Planning Policy Framework.

#### Description of Proposal

- 1        This application seeks permission to install metal fencing around perimeter of application site. It is proposed that the fencing would measure 2 metres in height and would incorporate vertical repeats. It is proposed that the fence would be installed along the north, south east boundaries of the site.

- 2 The entire application site is covered by an Article 4 Direction. This has removed the ability to erect, construct, maintain improve or alter a gate, fence, wall or other means of enclosure on the land as permitted development.
- 3 Planning permission was refused and dismissed at appeal on the 17 January 2007 under reference 06/01192/FUL to erect 2 metre high Euroguard 'Regular' fencing, a proprietary fencing consisting of steel wire panels clamped to galvanised steel posts on the impact that the development would have on the openness of the Green Belt and the visual amenity of the area.

#### Description of Site

- 4 The application site relates to an 'L' shaped parcel of land (approximately 0.33 hectares) located in the area to the north of 48 Green Court Road. Three boundaries of the 'L' shaped appeal site abut open field. A further boundary lies close to and parallel with Green Court Road whilst the remainder of the site borders the curtilages of a number of dwellings which face onto Green Court Road.
- 5 The application site is located within the Green Belt. There are several trees protected by TPOs located on the boundaries of this site. The site currently contains a small building which has permission to be converted into a single detached dwelling.

#### Constraints

- 6 Green Belt

#### Policies

##### *South East Plan*

- 7 Policies - SP5, C3

##### *Sevenoaks District Local Plan*

- 8 Policy EN1

##### *Core Strategy*

- 9 Policies - L08, SP1

##### *Other*

- 10 National Planning Policy Framework

#### Planning History

- 11 SE/08/00512/LDCEX Any use of the land within class B8 of the Town and Country Planning (Use Classes) Order 1987 refused 8 July 2008.  
  
SE/07/01029/FUL Planning permission was refused in May 2007 for Permission is sought for the retention of hard surface of loose stones (Retrospective Application).

SE/07/00817/LDCEX Any use of the land within class B8 of the Town and Country Planning (Use Classes) Order 1987 refused on 30 July 2007

SE/06/02255/LDCEX An LDC was resubmitted for the existing hardstanding. This was refused in October 2006.

SE/06/01192/FUL Replacement of existing post and wire fencing with new Euro Guard fencing (As amended by plans and supporting documents received on 7th June 2006 and 17th July 2006). This was refused and dismissed at appeal.

SE/06/01430/LDCEX Existing hardstanding. This LDC was refused in August 2006.

SE/05/00925/LDCPR Certificate was granted in June 2005 for any use of the building within class B8 of the Town and Country Planning (Use Classes) Order 1987

SE/04/02603 & 02604 Certificates were issued in December 2004 to show that a small shed has been located on the site for a period in excess of 4 years, and that it has been used for the storage of tools for over a period of 10 years.

SE/05/00571/LDCEX Certificate was granted in April 2005 for a corrugated iron building single storey building.

### Consultations

#### *Crockenhill Parish Council*

- 12 Crockenhill Parish Council has made the following comments:-

Crockenhill Council have advised that they support the scheme, provided there is no damage to existing trees or shrubbery, it is green in colour and will not exceed 2m in height.

#### *Swanley Town Council*

- 13 Swanley Town Council have made the following comments:-

Swanley Town Council would like the following comments to be considered;

The Town Council has concerns that the erection of a fence of this type could lead to the area becoming more industrialised.

If the District Council allows fencing to be erected, the Town Council requests that it have a more rustic look to ensure that it is in keeping with the surrounding area and the Green Belt.

If steel fencing is erected, the Town Council would request that it be green in colour so as to help blend in with the surroundings.

### *Highways*

- 14 The Highway Officer has advised the following:-

I refer to the above planning application and have no objections to the proposal in respect of highway matters.

## *Environment Agency*

- 15 The Environment Agency has made the following comments:-

Thank you for consulting the Environment Agency on the above applications

We have assessed these applications as having a low environmental risk. We therefore have no comments to make.

Non planning consents

Although we have no comments on these planning applications, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website to establish whether if a consent will be required.

<http://www.environment-agency.gov.uk/netregs/>

If you feel we should assess any of these planning application in more detail due to local issues please contact me or email [kentplanning@environment-agency.gov.uk](mailto:kentplanning@environment-agency.gov.uk)

## *SDC Tree Officer*

- 16 The Tree Officer has made the following comments:-

I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:

I can inform you that there are several trees situated on the eastern and southern boundaries of this site. Those situated on the eastern boundary consist predominantly of Cherry trees, whilst those situated on the southern boundary consist predominantly of Oak. Four of these Oak trees are protected by TPO 2 of 2007. They are of high amenity value and appear to be in a sound and healthy condition. These trees are not shown on the plans provided. I would expect some pruning works would have to take place to allow the proposed fencing to be erected, whilst disturbance to the root plates of these trees could occur during excavation to install the fence posts. Unless the developer can provide evidence that the proposed fencing can be installed without damaging these trees, especially the Oak trees, I recommend that consent be denied.

## Representations

- 17 7 letters of objection have been received in connection with this application. The main issues include the following:-

- Impact on the visual amenity of the area
- The recommendations of the Inspector under appeal APP/G2245/A/06/2025172, which raised objection to a similar fence in terms of its visual appearance

- Impact on the Green Belt
- The metal fence is out of keeping, not something that you see in the countryside
- The fence will affect the view from the neighbouring property
- Impact on area of landscape value
- Future plans for the site

## Group Manager - Planning Appraisal

### Principal Issues

- Impact on the Metropolitan Green Belt
- Impact on the amenities of adjacent properties
- Highway Impact
- Impact on protected trees

### *Impact on the Metropolitan Green Belt*

- 18 Paragraph 9 of the Inspector's report for appeal APP/G2245/A/06/2025172 (SE/06/01192) states:

"According to the Town and Country Planning Act 1990 "building" includes any structure or erection and would therefore include the proposed fence. As it would be a complete replacement of the existing fence, the proposed fence would constitute a "new building", and will therefore be assessed as such.

- 20 The National Planning Policy Framework states:

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:-

- 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.

- 21 The National Planning Policy Framework states that the construction of new buildings is inappropriate unless it is for one of the specified purposes. The term 'building' refers to any structure or erection and it therefore includes gates/fences and piers. Neither of these is in the list of exclusions in the National Planning Policy Framework.
- 22 Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 23 Turning to the impact of the proposed development on the openness of the Green Belt and the open character and visual amenity of the area, because of its construction and the nature of the wire panels, is considered to have a far greater visual impact than the existing post and wire fencing. In my view, the proposed fence would appear particularly intrusive when seen from an oblique angle as, due to the make up of the wire panels, it would take on a relatively solid appearance. Although the proposed colour would help to reduce the impact of the fence when seen against the backdrop of the trees and shrubbery, in my view, the fence would still be clearly visible and, when seen without the background of trees, would become a dominant feature in the immediate surroundings and wider landscape.
- 24 When coupled with its greater height compared to the existing fence, and its more solid appearance it is considered that the proposal would result in a materially harmful impact to the openness of the Green Belt in conflict with the guidance in the National Planning Policy Framework.
- 25 The National Planning Policy Framework states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 26 No very special circumstances have been presented with this application, as such it is considered that there are no very special circumstances which clearly outweigh the harm by reason of inappropriateness and the harm to the openness of the Green Belt.

*Impact on the character and appearance of the area*

- 27 Policy EN1 from the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy it states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 28 Policy C4 from the South East Plan states "outside nationally designated landscapes, positive and high quality management of the regions open countryside will be encouraged and supported". In addition to this policy LO8 from the Core Strategy states that the countryside and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible

- 29 The application site is in the Council's view an important transition/corridor site between the edge of the town of Swanley and the rural village of Crockenhill and because of its open and rural character, it provides an important break in the wider landscape. It is the Council's view that it essentially acts as buffer zone which provides an important visual gap between Swanley from Crockenhill.
- 30 As stated above Swanley is urban in character and appearance. When leaving the edge of Swanley the landscape changes dramatically from being urban in nature to being rural in character with extensive open fields, hedgerows and vegetation. The appeal site is included in this. Although not a stereotypical piece of stunning countryside, as it has over the years been divided up to be grazing land, with the pressure to be used for other purposes, it in the Council's view represents an important open site that has an important visual impact within the wider landscape.
- 31 I am of the view that the proposed metal fence would be seen as an alien and intrusive feature in the landscape and would not respect the rural character in which it is located in. Long distance views of the fence would also be seen to the north of the site in particular along the footpath that runs parallel with the northern edge of the field.
- 32 It is considered that the proposed fence would transform the backdrop of the open grazed farmed field with a pleasing rural character to one that would have a half urban highly engineered appearance and which in my opinion would look out of character within the landscape. Although it is acknowledged the fence would demarcate an existing B8 use that is not considered to be particularly compatible within the rural landscape that it sits, (and is currently littered with storage containers packed on top of each other) the fence is considered cause further detriment to the visual quality of the landscape. Indeed the Council has recently granted permission for the Parish Council to fence the periphery of large field to the north with a more sensitive fence that is considered to be more acceptable within the context of the rural site that it would sit.
- 33 There is considered to be no objection in principle to an appropriate fence being erected around the site, the objection is down to the style and appearance of the fence that is proposed in this case and its detrimental impact on the wider rural landscape.
- 34 In view of the style and design of the fence the proposal is considered to conflict with the above aforementioned policies.

#### *Impact on the amenities of adjacent properties*

- 35 Policy EN1 requires all development should not have a detrimental impact on the amenities of neighbouring residential properties.
- 36 In view of these distances that the fence would be located to adjacent properties, it is considered that there would be no adverse impact to any other neighbouring properties to warrant an objection on planning grounds.

#### *Highway Impact*

- 37 Policy EN1 from the SDLP states that "the proposed development ensures satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards".

- 38 No objection has been raised by the highway officer about the proposed fence, I therefore consider that the proposal is acceptable on highway grounds.

### *Impact on the Trees*

- 39 I can inform you that there are several trees situated on the eastern and southern boundaries of this site. Those situated on the eastern boundary consist predominantly of Cherry trees, whilst those situated on the southern boundary consist predominantly of Oak. Four of these Oak trees are protected by TPO 2 of 2007. They are of high amenity value and appear to be in a sound and healthy condition. These trees are not shown on the plans provided. I would expect some pruning works would have to take place to allow the proposed fencing to be erected, whilst disturbance to the root plates of these trees could occur during excavation to install the fence posts.
- 40 In view of the Tree Officer's comments, it is considered that the application has not been accompanied with sufficient information to demonstrate that the proposed fencing can be installed without damaging the protected Oak trees.

### **Conclusion**

- 41 The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The National Planning Policy Framework sets out what constitutes appropriate development, the proposal does not fall within this definition. For the reasons outlined above, proposal constitutes inappropriate development. By definition therefore the appeal proposal causes harm to the Green Belt. No very special circumstances have been advanced by the applicant.
- 42 It is considered that by virtue of the design and height of the proposed fence that it does cause harm to the openness and visual amenities of the surrounding Green Belt and the character of the surrounding countryside.
- 43 In such circumstances therefore the appellant is required to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm in order to justify such development. No very special circumstances have been provided that clearly overcome the harm.
- 44 Insufficient information has also been presented to demonstrate the proposal would have no adverse impact on the protected trees that surround the site.
- 45 In light of the above, I recommend refusal.

### **Background Papers**

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

Kristen Paterson  
Community and Planning Services Director

Link to application details:



<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LVUGCDBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LVUGCDBKOCR00>



