



**Late Observations Sheet**  
**DEVELOPMENT CONTROL COMMITTEE**  
**25 September 2014 at 7.00 pm**

**Late Observations**

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**DEVELOPMENT CONTROL COMMITTEE**

**25 September 2014**

**LATE OBSERVATION SHEET**

**4.1 SE/14/01523/HOUSE The Dyehurst Stud, Dyehurst Lane, Hever TN8 7LB**

Paragraphs 2 and 28 of the main report refer to the previous appeal decision relating to the conversion of part of existing domestic stable building to provide a two bedroom dwelling house. The Inspector's decision letter is attached (**Appendix 1**). Members will note that the comments made by the Inspector relating to his Green Belt assessment are in paragraphs 3 - 14.

The affordable housing contribution which related to the previous permission, SE/13/00230/FUL, has been paid in full.

A question has been asked about permitted development rights for Greenlands Farm and the status of the proposed tennis court shown on the plans.

Permitted development rights for Greenlands Farm appear to have been removed for outbuildings under planning permission SE/06/02330/FUL.

No formal permission for a tennis court has been given for Greenlands Farm. However, it is possible for hard standing for a tennis court to be laid within the curtilage of a property without planning permission. If a tennis court is proposed to be enclosed by a fence this would require permission as a result of either the condition removing permitted development rights for Greenlands Farm or condition 2 of the recommendation in the main papers.

The overall conclusions and recommendation for approval held within the main papers remain unchanged.

**4.2 SE/14/01527/HOUSE Tubs Hill House, London Road, Sevenoaks TN13 1BL**

The proposed recommendation should be split into two recommendations. Recommendation A should reflect the recommendation held within the main papers but should be preceded by the following text –

*'That subject to receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution within 28 days of the decision of the Development Control Committee, that authority be delegated to the Chief Planning Officer to GRANT planning permission subject to the following conditions:-'*

Recommendation B should read as follows –

*'In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee, the application be REFUSED for the following reason:-'*

*The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate*

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*level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.'*

For information, the site falls within the Tubbs Hill/London Road/Pembroke Road area of the Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD), which is defined as a mixed use town centre fringe area. The locally distinctive positive features of the area are listed within the SPD as being:

- Domestic scale and character of properties in Pembroke Road and the central section of London Road;
- Increased scale and enclosure of properties at the node of London Road, Pembroke Road and Eardley Road;
- Unity of the short row of Edwardian and 1930s properties at the corner of Tubbs Hill and St Botolph's Road;
- Consistent use of red brick, tile hanging, half timbered/white render and gable fronted designs;
- Individual trees and hedges complement the properties and enhance street scene; and
- Long views of the North Downs.

The negative feature of the area is identified as being the scale, bulk and design of the commercial buildings to the south east of Tubbs Hill that are not in keeping with surrounding development.

In proposing new development within this character area the SPD states that:

- Individual buildings should be of a high standard of intrinsic design quality;
- The domestic scale and character of properties in Pembroke Road and the central section of London Road should be respected;
- The increased scale and enclosure of properties at the node of London Road, Pembroke Road and Eardley Road should be respected;
- The unity of the row of Edwardian and 1930s properties at the corner of Tubbs Hill and St Botolph's Road should be respected;
- The limited harmonious range of red brick, tile hanging, half timbered/white render materials and frequent use of gable fronted designs should be respected;
- Mature trees and hedges important to the character of the area should be protected; and
- Views of the North Downs should be protected.

Finally, one letter of representation has been received since the main report was completed raising objections to the proposal on the grounds of impact on their view and a loss of light.

As stated within the officer's report, the modest additions to the existing building would not result in a detrimental loss of daylight and sunlight to neighbouring properties. It is also the case that no individual has a right to a view in relation to the assessment of any planning application.

Aside from the amendment to the recommendation noted above, the overall conclusions and recommendation for approval held within the main papers remain unchanged.

**4.3 SE/14/01868/FUL Land South East of Alandene, Till Avenue, Farningham DA4 OBH**

Officer Comment

With regard to Community Infrastructure Levy (CIL) liability, as set out in the CIL Regulations, this development is CIL liable as a new dwelling is proposed. It is noted that the applicant has indicated that this development would be exempt from CIL however they have not yet submitted a CIL liability Exemption form. Accordingly, as this residential development is CIL liable and as no exemption has been applied for, then if planning permission is granted the following informative should be included in the decision notice:

Informative:

The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

Recommendation- That permission is granted, as per the main papers and late observations.



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## Appeal Decision

Site visit made on 20 September 2013

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **21 October 2013**

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**Appeal Ref: APP/G2245/A/13/2199265**

**The Dyehurst Stud, Greenland Farm, Uckfield Lane, Hever, Edenbridge, Kent, TN8 7LN.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms M Watts against the decision of Sevenoaks District Council.
  - The application ref: SE/13/00230/FUL, dated 22 January 2013, was refused by notice dated 1 May 2013.
  - The development proposed is conversion of part of existing domestic stable building to provide a two bedroom dwellinghouse.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion of part of existing stable building to provide a two bedroom dwellinghouse at The Dyehurst Stud, Greenland Farm, Uckfield Lane, Hever, Edenbridge, Kent, TN8 7LN, in accordance with the terms of the application ref: SE/13/00230/FUL, dated 22 January 2013, subject to the conditions set out in Annex A to this decision.

### Main Issues

2. The main issues in this case are:
  - a) Whether the proposal would be inappropriate development for the purposes of National policy and the policies of the Development Plan.
  - b) The effect of the development upon the openness of the Green Belt and the character and appearance of the High Weald Area of Outstanding Natural Beauty ('the AONB').

### Reasons

- a) *Whether inappropriate development.*
3. The subject property comprises a timber framed barn described as a domestic stable, which was erected in 2009. This followed planning permission granted in 2004 for the demolition of the existing barn and the erection of six stables, tack room, feed room plus new access and boundary fencing and gates.
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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

4. The appeal site, which lies in open countryside, is within the Metropolitan Green Belt and the High Weald AONB. It forms part of the wider curtilage owned by the appellant, including Greenland Farmhouse and paddocks, the paddocks being located to the north and south of Wildermess Lane.
5. The stable building, which is approached by means of a driveway from the south, is generally well screened by mature hedging. There is a small annex building to the north of the barn, which is to be used in conjunction with a planned tennis court.
6. There are various properties within the immediate vicinity of the appeal site, particularly those fronting Uckfield Lane in both directions. There is also a mobile home sited to the southeast of the building the subject of this appeal. To the east is an area of woodland.
7. It is particularly relevant to my decision that planning permission was granted on 3 August 2012 to convert the same eastern half of the barn to provide a two bedroom holiday let (ref: SE/12/01062). It is also relevant that the use as now proposed for a permanent let and that associated with a holiday only letting would fall within Class C3 of the Use Classes Order<sup>1</sup>.
8. In granting planning permission for the replacement building in 2004 the Local Authority doubtless took into account the planning history of the site. This included a large derelict barn, photographs of which have been provided to me. Associated with that barn was the provision of groom's accommodation, which was sited in a mobile home. Accordingly, there has been living accommodation associated with the stables dating back for many years.
9. National policy in the National Planning Policy Framework ('the Framework') contains a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 87).
10. Paragraph 90 of the Framework goes on to state that the re-use of buildings is not inappropriate in Green Belts provided that such uses preserve the openness of the Green Belt, do not conflict with the purposes of including land in the Green Belt and provided that the buildings are of permanent and substantial construction.
11. The Council will permit the re-use of buildings within the Green Belt providing the proposal complies with three criteria (see "saved" Policy GB3A of the Local Plan<sup>2</sup>). These criteria are met in that the scheme before me does not involve any additional works to the exterior of the structure. The building is also of permanent and substantial construction, while its form is in keeping with its surroundings.
12. For all of these reasons, I find on the first main issue that development as proposed would not represent inappropriate development for the purposes of both National and Development Plan policy.

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended).

<sup>2</sup> The Sevenoaks District Local Plan (July 2008).

*b) Effect upon openness of Green Belt and character and appearance of the High Weald AONB.*

13. The building already exists and there is no evidence before me to demonstrate that a permanent use would require any additional domestic paraphernalia, as compared to that associated with use as a two bedroom holiday let.
14. I therefore find on the second main issue that development as proposed would not adversely impact upon the openness of the Green Belt or the character and appearance of the High Weald Area of Outstanding Natural Beauty.

**Other Matters**

15. It is contended on behalf of the appellant that the permitted and proposed uses are highly comparable in terms of their nature and external impact. Both would require a domestic curtilage, albeit a relatively modest area in respect of the scheme before me.
16. The only difference between the two is that while a holiday let use would allow the converted dwelling to be occupied by a number of families for possibly limited periods of the year only, the current scheme would enable occupation by one or two families throughout the year. I accept that this could well result in less disruption and disturbance at the site and would also be of greater benefit to the local community by supporting local services and facilities, as set out in bullet point 3 of paragraph 28 of the Framework.
17. In this regard, there is no evidence before me as to any particular need for the provision of additional rural tourism within the locality or that the currently permitted use would benefit the local economy to any greater extent than would its more permanent use throughout the year.
18. I have noted the reference by objectors to sustainability and the requirements of paragraph 55 of the Framework. However, that paragraph seeks to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities and where development would utilise disused buildings such as this. Any proposal to convert the other half of the building to residential use would require the submission of a planning application to the Council.
19. The information before me makes clear that conversion of part of the barn to residential use alongside the stable use can be undertaken without detriment to the amenities of either the residents of the dwelling or the keeping of horses. Furthermore, I accept that there is more likely to be a satisfactory relationship between more permanent residents and horses stabled in the adjacent part of the building than may be the case with more transient occupiers of the residential element of the barn.

**Section 106 Unilateral Undertaking**

20. I have been provided with a Section 106 Unilateral Undertaking signed by the appellant and dated 24 April 2013.
21. The Undertaking provides for a contribution in the sum of £11,824.30 towards the provision of off-site affordable housing in the district in accordance with the



Council's adopted SPD<sup>3</sup>, together with the Council's legal and administrative costs of £500 and a monitoring fee of £900.

22. From the information before me, I am satisfied that the sums covenanted are necessary to make the development acceptable in planning terms, are directly related to the development and reasonably related in scale and kind to it, as required by Circular 05/2005<sup>4</sup> and by Regulation 122 of the Community Infrastructure Levy Regulations 2010.
23. For these reasons, development as proposed would accord with Policy SP3 of the Council's Core Strategy<sup>5</sup>.

**Conditions**

24. The Council has set out a total of fifteen conditions in the Report to Committee, which I have considered against the tests set out in Circular 11/95<sup>6</sup>.
25. I have elected not to impose suggested Condition 2, which is unnecessary and overly restrictive. Any person occupying the dwelling would no doubt be made aware of the use to which the adjacent stables are put, while they would not necessarily be employed by the owner or require stabling facilities.
26. I find the balance of the conditions to be both reasonable and necessary in the circumstances of this case, although I have amended the wording of certain of them or have combined others in order to more closely accord with the models in the circular, or in the interests of clarity. My reasons for imposing them are:
27. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure the permanent retention of adequate car parking space to serve the development, while Condition 3 is necessary in order that the development is carried out in accordance with sustainable building practices.
28. Conditions 4, 5, 7 and 8 will ensure a satisfactory appearance to the completed development and will allow the Local Planning Authority to exercise control over any future development at the appeal site, given its sensitive location within the Metropolitan Green Belt and the High Weald AONB.
29. Condition 6 is imposed in the interests of biodiversity and nature conservation, while Conditions 9, 10 and 11 will safeguard the residential amenity of future occupiers of the dwelling.
30. As to Condition 12, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans, both for the avoidance of doubt and in the interests of proper planning.

**Conclusion**

31. I have found above that the proposal is not inappropriate development for the purposes of both National and Development Plan policy; neither would it have

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<sup>3</sup> Supplementary Planning Document – Affordable Housing.

<sup>4</sup> Circular 05/2005: Planning Obligations.

<sup>5</sup> The Sevenoaks Local Development Framework Core Strategy (February 2011).

<sup>6</sup> Circular 11/95: The Use of Conditions in Planning Permissions.

an adverse impact upon the openness of the Green Belt or the character and appearance of the High Weald AONB.

32. The grant of planning permission for conversion of part of the barn to tourist accommodation is a material consideration in my determination of this appeal. Development as proposed would have no greater impact upon the surrounding area than that for which permission already exists. Furthermore, a more permanent use of the building is likely to provide a greater level of support to local business than a transient use for tourist accommodation.
33. The scheme is supported by a number of the most adjacent residents who have raised concerns as to the impact upon security of a tourist use in this location and the increased levels of disturbance arising from such transient occupation.
34. I have noted the concerns of certain other residents and the Parish Council that the proposal could be used as a precedent to support the permanent use of other tourist accommodation nearby. However, I have not been provided with specific details of other such cases which are similar in terms of their location, planning history or support from near neighbours. In any event, it is a well-accepted tenet of planning that each case needs to be considered upon its individual merits.
35. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR

**Schedule of Conditions****Annex A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The dwelling hereby permitted shall not be occupied until space has been laid out within the site, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, for two cars to be parked. The car parking spaces so provided shall thereafter be permanently retained for their designated purpose.
- 3) Unless otherwise agreed in writing by the Local Planning Authority the dwelling shall achieve BREEAM "Very Good" Standards. No part of the dwelling shall be occupied until a post-development certificate from an appropriately qualified assessor has been issued for it demonstrating that the agreed standards have been achieved.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1990 (or any order revoking, re-enacting or modifying that Order) no development permitted under Classes A, B, C, D, E or F of Schedule 2 to Part 1 of the Order shall be carried out to the dwelling hereby permitted, or undertaken within its curtilage, without the prior written approval of the Local Planning Authority.
- 5) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied and thereafter permanently retained.
- 6) No development shall take place until full details of any external lighting to be provided to the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting, which shall be designed to be sensitive to bats and to accord with the best practice guidelines contained within the document "Bats and Lighting in the UK" published by The Bat Conservation Trust, shall be completed in accordance with the approved details before the dwelling is first occupied and shall not thereafter be altered or extended without the prior approval in writing of the LPA.
- 7) No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the materials of paved areas and other hard surfaces. Details of soft landscape works shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.
- 8) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the dwelling hereby permitted or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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- 9) No development shall take place until full details of the materials to be used in the construction of the internal wall between the approved dwelling and the retained stables, and demonstrating how this wall would provide acoustic separation between the dwelling and the stables, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 10) Prior to the commencement of development a Phase 1 Contaminated Land Desk Study shall be carried out of the site by a suitably qualified person and a report of the findings of such study, together with details of a scheme of remediation, if necessary, and a timetable for its implementation, have been submitted to and approved in writing by the Local Planning Authority.
- 11) No development shall take place until all necessary remediation measures have been undertaken in accordance with the approved scheme and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.
- 12) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. DH02:	Location Plan – scale 1:2500.
Drawing no. DH03:	Block Plan – scale 1:500.
Drawing no. DH03a:	Proposed Parking and Curtilage – scale 1:100.
Drawing no. DH04:	Existing Elevations, Floor Plans and Section – scale 1:50.
Drawing no. DH05:	Proposed Elevations, Floor Plans and Floor Levels – scale 1:50.
Drawing no. DH06:	Roof Detail – Current and Proposed – scale 1:50.