



## **DEVELOPMENT CONTROL COMMITTEE**

**25 August 2011 at 7.00 pm**  
**COUNCIL CHAMBER - COUNCIL OFFICE**

### **AGENDA**

#### **Membership:**

Chairman: Cllr. Mrs A Dawson                      Vice-Chairman    Cllr. G Williamson

Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown, Cllr. C Clark, Cllr. P Cooke,  
Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey,  
Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Scholey, Cllr. J Thornton,  
Cllr. J Underwood and Cllr. R Walshe

#### **Apologies for absence**

1. **Minutes of the meeting of the Committee held on 28 July 2011**                      (Pages 1 - 8)
  
2. **Declarations of interest or predetermination**
  
3. **Declarations of lobbying**
  
4. **Local Government (Access to Information) Act 1985**
  
5. **Planning Applications – Head of Development Services' Report**
  
- 5.1. **SE/11/01112/FUL: Meopham Cricket Club, Manor Road,  
LONGFIELD DA3 8LD**  
*Erection of two additional containers on site*    (Pages 9 - 20)
  
- 5.2. **SE/11/01282/FUL: 1 The Stables, Halstead Place, HALSTEAD  
TN14 7BJ**  
*Erection of garden shed. Retrospective*    (Pages 21 - 30)

#### **EXEMPT ITEMS**

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

## Late Observations (following publication of the agenda)

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

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

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

For any other queries concerning this agenda or the meeting please contact:  
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227199 by 5pm on Monday, 6 June 2011.

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

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

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

**DEVELOPMENT CONTROL COMMITTEE**

**Minutes of the meeting of the Development Control Committee  
held on 28 July 2011 commencing at 7.00 pm**

Present: Cllr. Mrs A Dawson (Chairman)

Cllr. G Williamson, Cllr. Mrs B Ayres, Cllr. R Brookbank,  
Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe,  
Cllr. P McGarvey, Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. J Scholey,  
Cllr. J Thornton and Cllr. J Underwood

Apologies for absence were received from. Cllr. C Brown, Cllr. C Clark,  
Cllr. P Cooke and Cllr. G Ryan

Cllr. L Ayres, Cllr. L Ball, Cllr. M Fittock and Cllr. Mrs A Hunter were  
also present.

31. **CHAIRMAN ANNOUNCEMENTS**

The Chairman expressed sadness that this was the last meeting of the  
Development Control Manager who was joining Elmbridge Borough Council. The  
Committee wished him the best for the future.

32. **MINUTES**

Cllr. Piper clarified that he had not declared an interest in item 5.11  
SE/11/00102/FUL Land adj to 1 & 2 Shacklands Cottages, Shacklands Road,  
Shoreham, Sevenoaks on the meeting of 9 June 2011.

Resolved: That the minutes of the meeting of the Development Control  
Committee held on 30 June 2011, as amended, be approved and signed  
by the Chairman as a correct record.

33. **DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllrs. Mrs. Dawson and Piper declared personal interests in item 5.03 –  
SE/11/00813/FUL 85 Solefields Road, Sevenoaks as dual hatted members of both  
the District Council and Sevenoaks Town Council.

Cllr. Brookbank declared a personal interest in item 5.04 - SE/11/01506/TELNOT  
Proposed Telecommunications Mast North West of Junction with London Road,  
Shurlock Avenue, Swanley as a dual hatted member of both the District Council  
and Swanley Town Council but clarified that he was not a member of Swanley  
Town Council's Development Control Committee.

Cllr. Underwood declared a personal interest in item 5.04 - SE/11/01506/TELNOT Proposed Telecommunications Mast North West of Junction with London Road, Shurlock Avenue, Swanley as a dual hatted member of both the District Council and Swanley Town Council. He added that he lived in close proximity to the site but that this was not prejudicial.

Cllr. McGarvey declared an interest in item 6.01 310/05/085: Four Winds, Farley Common, Westerham because of the strong views which he voiced last time it was discussed.

34. **DECLARATIONS OF LOBBYING.**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up-to-date information available.

35. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up-to-date information available.

36. **ORDER OF THE AGENDA**

The Chairman indicated that a request had been made by the applicant to move item 5.01 to later in the agenda so he could attend. However the Chairman had decided against this because it was non-standard. The applicant did have a reserve speaker.

**Planning Applications**

The Committee considered the following planning applications:

37. **SE/11/01148/FUL: 16 BANCKSIDE, HARTLEY, LONGFIELD DA3 7RD**

The report advised that the proposal was for the erection of a single storey flank and rear extension as well as a new porch and roof over the Garage.

It was noted that the report had been referred to Committee at the request of Cllr. Gaywood, in view of the visual impact of the addition and the impact that it would have on adjacent residents.

Officers stated that the proposal was considered to have no adverse impact on the visual amenity of the streetscene or the amenities of adjacent properties.

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application: Ms Hine

For the Application: Mr Giles

Parish Representative: -

Local Member: -

A Member informed the Committee that when the houses were constructed they were intended to be similar to each other. He noted how strongly the residents at number 18 felt regarding possible harm to light and privacy amenities.

Members noted that the design was not especially bulky from the side view because of the sloping roof. Most did not feel the development would have such an impact on the streetscene that the streetscene would be spoilt.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

11 votes in favour of the motion

2 votes against the motion

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

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

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

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

To ensure that the appearance of the development enhances the character and appearance of the EN1 as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) No window(s) or other opening(s) shall be inserted at any time in the side elevation of the rear extension hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

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

(a) **SE/11/00282/FUL: The Oast House, UNDERRIVER, Sevenoaks TN15 0SB**

This item was withdrawn due to an inaccuracy with the site plan.

(b) **SE/11/00813/FUL: 85 Solefields Road, SEVENOAKS TN13 1PH**

The report advised that the proposal was for alterations to the existing boundary wall between the front garden and public footpath which involved the raising of 4 brick piers with intermediate fence panels to a maximum height of 1.25 metres above the public footpath. The brick piers would be located to a height of 1 metre above ground level with intermediate fencing panels with an arched top. The highest point of the fencing panels would be located 1.25 metres above ground level.

It was noted that the report had been referred to the Committee by Cllrs. Eyre and Mrs. Hunter with regards to the impact of the proposed development upon the character of the street scene.

Officers stated that the proposal would not have a detrimental impact upon the character of the street scene and was thereby in accordance with policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks District Local Plan and SP1, CC1, CC6 and BE4 of the South East Plan.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representative: -

Local Member: Cllrs. Eyre and Hunter

During consideration of this item Members noted the views of the local Members who were concerned about the impact on the streetscene. Many properties in the immediate vicinity used hedging rather than fencing. The recommended conditions may also have little effect if there was no condition to maintain the planting.

Officers clarified that a 1m high fence was within permitted development and that this proposal was for a 1.25m high fence.

It was MOVED by the Chairman that the recommendation in the report be adopted with the addition of a condition to retain/replace landscaping secured under condition 3. The motion was put to the vote and there voted –

8 votes in favour of the motion

2 votes against the motion

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

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

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

2) The materials to be used in the construction of the development shall be those indicated on the approved plan as detailed upon submitted plan 375/A3/02 Rev A.

To ensure that the appearance of the development is in harmony with the existing character of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Prior to the commencement of development, full details shall be submitted for approval to the Council with regard to the proposed planting shown on submitted plan 375/A3/02 Rev A to the rear of the development.

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

4) If within a period of 5 years from the completion of the development, any of the plants or shrubs which form part of the approved planting scheme (referred to in Condition 3) die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

5) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Block Plan, Drawing Numbers 375/A3/01, 375/A3/02 Rev A, 375/A3/03 Rev A, received 31.03.11.

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

38. **SE/11/01506/TELNOT: PROPOSED TELECOMMUNICATIONS MAST NORTH WEST OF JUNCTION WITH LONDON ROAD, SHURLOCK AVENUE, SWANLEY**

The report advised that the proposal was for the approval of prior notification for the erection of an 12.5 metre high shared telecommunications column on root foundation. It was also proposed for ancillary equipment to be located on the site which included a slimline meter cabinet and a harrier equipment cabinet.

It was noted that the report had been referred to Committee by Cllrs. Ball, Mrs. George and Mrs. Sargeant because of the visual impact of mast and that the mast would be out of character.

Officers stated that there was no planning objection to be raised on either design or siting grounds. The siting was appropriate within the context of the site and the design was acceptable.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: -  
Parish Representative: Cllr. Fittock  
Local Member: Cllr. Ball

Members noted the Town Council's concerns at the siting of the equipment especially as Shurlock Avenue was lower than London Road. The concerns had included the highway site lines when leaving Shurlock Avenue and that the mast would tower over the houses which were nearby but lower. The mast would also be higher than the nearby trees.

During consideration of this item Officers clarified that this application was for a more slimline design mast than the one withdrawn from the meeting on 9 June. Street lights were approximately 40m apart on London Road.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

5 votes in favour of the motion

5 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used her casting vote in favour of the motion.

Resolved: That no objection be lodged.

It was noted that Cllr. Miss. Thornton, who left the meeting during the discussion, did not vote on the application.

39. **ENFORCEMENT OF PLANNING CONTROL**  
**310/05/085: FOUR WINDS, FARLEY COMMON, WESTERHAM**

Following an appeal to the Enforcement Notice served on 10 June and subsequent letter from the Planning Inspector, the Development Control Manager explained that due to an incorrect paragraph in the Notice it was likely to be rendered a nullity. The matter had returned to the Committee at the request of the Local Member and with the approval of the Chairman.



The Committee was asked to accept the letter from the Planning Inspectorate, note the subsequent legal advice, withdraw the previous Enforcement Notice and issue a new Enforcement Notice with appropriate amendments.

The item was considered by the Committee as a matter of urgency in light of the information received and the requirement to respond to the appeal. A supplementary agenda was published and tabled for Members' attention on 28 July 2011.

Resolved: That

- 1) the letter from the Planning Inspectorate and the subsequent legal advice be noted;
- 2) the Enforcement Notice served on 10 June be withdrawn;
- 3) an enforcement notice be re-issued omitting 5. c(iii); and
- 4) the wording of the enforcement notice be subject to agreement with Legal Services.

THE MEETING WAS CONCLUDED AT 9.07 PM

CHAIRMAN

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5.01 - SE/11/01112/FUL Date expired 21 July 2011

PROPOSAL: Erection of two additional containers on site.

LOCATION: Meopham Cricket Club, Manor Road, Longfield DA3  
8LD

WARD(S): Hartley & Hodsoll Street

**ITEM FOR DECISION**

This item is referred to Development Control Committee at the request of Councillor Abraham on the grounds that there is an overriding need for the containers on the site.

**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. This conflicts with policy LO8 of the Sevenoaks Core Strategy and the aims and objectives of national guidance contained within PPG2: Green Belts.

The proposal by virtue of the number of containers, their size and bulk would detract from the character and appearance of the area. This conflicts with policies EN1 and EN8 of the Sevenoaks District Local Plan and policies SP1 and LO8 of the Sevenoaks Core Strategy.

Description of Proposal

- 1 This is an application for the siting of two storage containers on and within an existing recreation ground within the Parish of Hartley. The containers are to be sited adjacent two existing shipping containers near to the southern boundary of the site to form a linear row of containers.
- 2 The applicants have advised that the additional two containers are required for the local cricket club for catering purposes and to provide showering facilities. These additional containers would be connected to utility services i.e. drainage, water etc.

Description of Site

- 3 The application relates to the siting of containers within an existing recreation ground. Towards the southern boundary of the recreation ground are two

existing containers set on a base of concrete where a sports pavilion once stood.

- 4 The site is very open and rural in character with a series of mature treeline and hedgerows at the boundaries, which enclose the site. To the north of the containers is a play area with associated play equipment.
- 5 The site lies within the Metropolitan Green Belt.

#### Constraints

- 6 Metropolitan Green Belt.

#### Policies

##### *South East Plan:*

- 7 Policies - CC6, SP5

##### *Sevenoaks District Local Plan:*

- 8 Policies- EN1, EN8

##### *Sevenoaks Core Strategy:*

- 9 Policies- SP1, LO8

##### *Other:*

- 10 PPS1, PPG2, PPS7

#### Planning History

- 11 02/01821/FUL Two new container cabins Granted on 11/11/2002.
- 12 10/02039/FUL Place two steel containers each of 6.10m x 4.438m on the existing base of the old cricket pavilion, adjacent to the two containers already there, within the footprint of the old pavilion. The containers to be connected to mains electricity, drainage and water, container 1 used for changing and shower facility. Container 2 for catering storage. Refused on 10/11/2010.
- 13 11/01111/FUL Renewal of planning permission, for the existing two containers (SE/02/01821) Granted on 20/07/2011.

#### Consultations

##### *Hartley Parish Council*

- 14 The Parish Council have made the following comments:-

Hartley Parish Council supports the application, provided it complies with Green Belt regulations.

*SDC Environmental Health*

15 SDC Environmental Health have made the following comments:-

The following would need to be complied with and can presumably could be added as informatives:-

- a) current food legislation including Regulations EC No 178/2002, EC No 852/2004 the Food Hygiene (England) Regulations 2006 and all associated national legislation and regulation, assuming that food is stored as the "catering supplies" in one container.
- 16 If one container is to be used as a changing facility with water, electricity showers, etc. I presume Building control would be interested in these facilities and proposed ventilation etc.
- 17 Though it appears that one container is now to be used for " rudimentary food preparation areas for rolls sandwiches etc". This would involve consideration to provision of suitable water supply, drainage, ventilation, lighting, sink(s), hand washing facilities, food storage facilities, work surfaces etc. These being the requirements of the regulations mentioned though the extent of this depends on the nature of the operation. They would need to register with this authority as a food premises.
- 18 Health and safety law and regulations may apply to the facilities if the club operates as a business and has employees but this would have to be determined. They do mention the use of volunteers.

Representations

19 No representations have been received.

**Head of Development Services Appraisal**

Principal Issues

- 20 The main considerations of this application are:
- whether the containers constitutes a building operation;
  - principle of development and impact upon the Green Belt;
  - impact on the character and amenity of the area;
  - impact upon residential amenity;
  - whether the very special circumstances clearly outweigh the harm to the Green Belt.

*Whether the containers constitute a building operation*

21 A key issue is whether the containers constitute a building operation or whether the containers fall to be considered as a change of use of the land.

- 22 The containers would be used for purposes in association with the recreational use that currently prevails on site. In this respect it is considered that there would be no material change in the use of the land.
- 23 The other way of considering this proposal is to ascertain whether the containers would constitute operational development.
- 24 In s.336 of the 1990 Act a building operation is defined as "any structure or erection and any part of a building, as so defined, but does not include plant or machinery comprised in a building". The key factors in making this assessment are the size, use and degree of permanency.
- 25 The containers are large metal boxes measuring approximately (2.438m by 6.1m) that would have been made for transporting goods.
- 26 Overall it is considered that the containers would have a strong degree of permanence since the containers would be placed on the land in a stationary position. In view of this it is considered that they would constitute a building operation.
- 27 In this respect for the purposes of this application the shipping containers can be seen as operational development due to their size, use and air of permanency.

*Principle of the development and impact upon the Green Belt*

*- Is the development appropriate?*

- 28 PPG2 states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 29 Paragraph 3.4 of PPG2 states:-

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

- agriculture and forestry
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- limited extension, alteration or replacement of existing dwellings
- limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C

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- 30 The most pertinent criterion to this proposal is the second indent of paragraph 3.4. This key issue is whether the proposed containers constitute an essential facility for outdoor sport and outdoor recreation. PPG2 states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.
- 31 The tests of paragraph 3.4 are also acknowledged in paragraph 30 of PPG17 which refers to essential facilities for outdoor sports and recreation. It specifically states:-
- “Planning permission should be granted in Green Belts for proposals to establish or to modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and non-essential facilities (eg additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.”*
- 32 The applicants have provided a lot of information about the cricket club in general and have provided information about how the containers will be used. This is summarised as follows:-
- 33 The applicants have advised that the Saturday senior sides play the majority of their games on the Green at Meopham on an alternative home and away basis, the Colts and the Juniors play the majority of their games at Manor Road Longfield. The home games are played on various days/evening for example the under 11s will play their home games from 5:00 pm on a Friday, the other age groups will play their games on a Sunday morning or some other evening during the week. In addition to this the ground is also used for elite coaching on a Wednesday evening for an age group side away from the larger group that gathers on the Green on a Wednesday evening during the summer for training.
- 34 In addition occasional 3<sup>rd</sup> eleven may play there and finally if there and finally if there is a clash of home fixtures for the senior sides then one of those will play at Longfield.
- 35 As stated above there are two existing containers on the site which were recently granted planning permission under application SE/11/01111. The first of the existing containers houses assorted equipment such as rollers, mowers and other groundwork equipment and the other container stores seating, has a toilet and a place for making tea and coffee.
- 36 The justification for the two new containers is to provide additional space for:-
- Changing and washing/showering facilities for teams within a closed environment.

- Catering facilities for not only teas coffees, but to provide a rudimentary preparation area for rolls and sandwiches
- 37 As stated above the key is whether the proposal is an essential facility for outdoor sport and recreation.
- 38 It is however considered that the containers do not provide an essential facility for outdoor sports and recreation (as the recreational use could take place without the proposed facilities). In essence it is contended that the washing and showering facilities and food preparation areas are not essential, but a desired facility for the club to substantially improve the provision for people who take part in the sport on the site. It is considered that people are still able to play cricket on the recreational ground (as they currently do), without having a changing room and for somewhere to prepare food. The distinction between what is essential and what is desired has to be made. Whilst paragraph 3.5 of PPG2 states that small changing room facilities can be essential, in this case there are other containers already on site that have an impact on the openness of the Green Belt. The use of the existing container could be modified if changing facilities were considered more important to the club. The cumulative impact of all four containers would provide a volume of space in excess of what would be considered essential facilities for outdoor recreation.
- 39 In view that the containers cannot be regarded as essential facilities, it is submitted that the containers would be regarded as inappropriate development as the proposal does not comply with paragraph 3.4 of PPG2.

*The harm caused*

- 40 As stated above there would be harm in principle as the proposal would be considered as inappropriate development in the Green Belt. In addition to the harm in principle there would also be harm to the openness of the Green Belt and to the visual amenities of the Green Belt, and these are discussed in more detail below.
- 41 PPG2 at paragraph 3.15 advises that *“the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design”*. This element of Green Belt policy places an additional requirement upon potential new development. Not only must it be appropriate in terms of its use but must also be appropriate in terms of its siting, materials and design and its impact upon the visual amenities of the area.
- 42 Due to the size and number of containers on the site (which would amount to four in total) it is considered that the proposal would result in a clutter of structures which, by reason of their siting; design/materials are considered to be visually intrusive.
- 43 As the containers occupy a prominent location that are clearly visible from many locations within the recreation ground and by virtue of their individual



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size, appearance and design of the containers and their cumulative impact of the containers, these permanent features, would result in harm to the otherwise open and rural character of the area. The linear appearance and massing of the containers detracts from its setting, highlighting their prominence within the landscape and especially the two existing containers have been subjected to graffiti.

- 44 Although the dark green colour of the existing containers reduces their visual prominence, due to their haphazard positioning and industrial appearance, they fail to harmonise with the surrounding open space.
- 45 The development is considered to be inappropriate in this context, due to the visual massing of the containers; they harm the local character and appearance of the area contrary to policies EN1 and EN8 of the Local Plan.

*Whether there are very special circumstances*

- 46 This proposal is development is inappropriate development. The onus is therefore on the applicant to set out any very special circumstances they consider may apply in this case. Paragraph 3.2 of PPG2 makes it clear 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." It goes on to state that in view of the presumption against inappropriate development substantial weight to the harm to the Green Belt will be attached in considering any planning application or appeal.
- 47 Although not presented as very special circumstances within the application submission, it is considered that the following case can be made:-
- Need for changing and washing/showering facilities for teams within a closed environment.
  - Need to provide catering facilities for not only teas coffees, but to provide a rudimentary preparation area for rolls and sandwiches
- 48 An assessment of whether these circumstances are very special, and if they are whether they clearly outweigh the harm in principle to the Green Belt and any other harm, will be made later in this report once all of the potential areas of harm have been considered and assessed.

*Impact on the landscape character of area*

- 49 Policy EN1 of the Local Plan and policy SP1 of the Sevenoaks Core Strategy states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 50 Policy LO8 from the Core Strategy is also applicable to this application. This policy states that the countryside should be conserved and the distinctive

feature that contribute to the special character of its biodiversity will be protected and enhanced where possible.

- 51 As stated above due to the size and number of containers on the site (which would amount to four in total) it is considered that the proposal would result in a clutter of structures which, by reason of their siting; design/materials are considered to be visually intrusive within the landscape.
- 52 In this respect the proposed containers are considered to conflict with policies EN1 from the Sevenoaks District Local Plan and policy LO8 from the Core Strategy.

*Impact upon Residential Amenity*

- 53 Policy EN1 from the Sevenoaks District Local Plan state 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.
- 54 It is considered that the proposal would not materially harm the amenity of adjoining residential occupiers as they are located approximately 55m from the nearest property (which is located to the south of the site), I consider that this is sufficient distance not to unduly affect their amenities.
- 55 Environmental Health Officer raises no objection to this proposal.

*Other Issues*

- 56 The Parish Council raise no objection to this proposal provided it complies with Green Belt regulations.

*Whether the Special Circumstances clearly Outweigh the harm to the Green Belt*

- 57 The report has shown that there is harm in principle to the Green Belt as the proposed containers constitute inappropriate development in the Green Belt. In addition it is also submitted that there is harm to the openness of the Green Belt and to the visual quality of the landscape.
- 58 PPG2 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. The possible very special circumstances are:
- Changing and washing/showering facilities for teams within a closed environment.
  - Catering facilities for not only teas coffees, but to provide a rudimentary preparation area for rolls and sandwiches
- 59 As already stated, whilst the facilities described above may be considered helpful and desirable they are not considered to be facilities that are deemed necessary for the carrying out of the sport. It is considered acceptable to

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arrive at a sporting venue of this nature without having changing room facilities or a place to prepare and make food.

- 60 In this case, it is considered that the desire for the facilities does not amount to very special circumstances. It is therefore submitted that the very special circumstances do not clearly overcome the harm in principle and the harm in practice to the openness of the Green Belt and the character and appearance of the area.

**Conclusion**

- 61 For the reasons above, there are no overriding material considerations to overcome the Green Belt Policy objection as no very special circumstances exist. As such, it is recommended that this application should be refused as it is contrary to policies EN1 of the Local Plan, policy SP5 of the South East Plan and the aims and objectives of PPG2.

**Background Papers**

Site and Block Plans

Contact Officer(s): Vicky Swift Extension: 7448

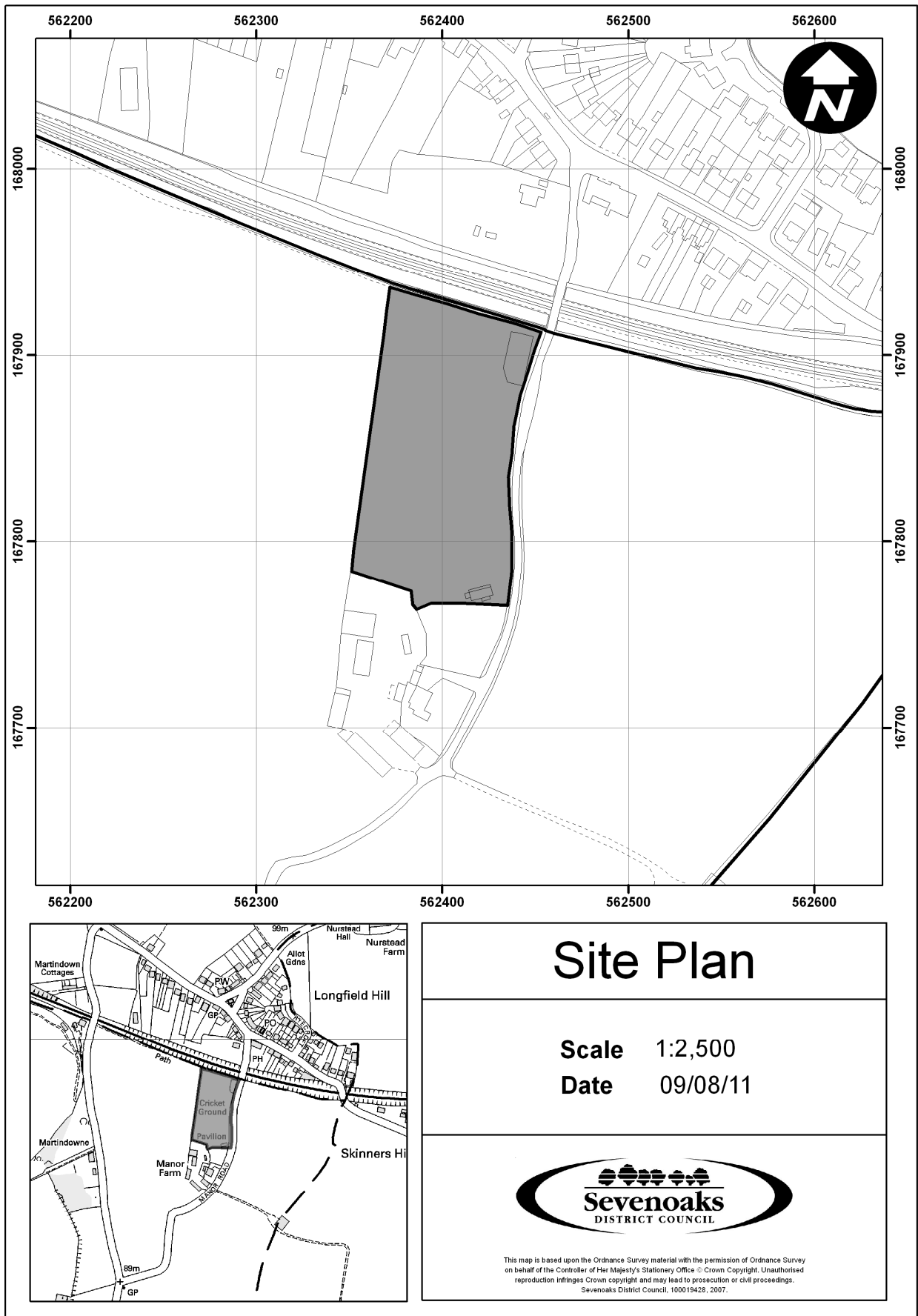
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LKRX37BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LKRX37BK0CR00>



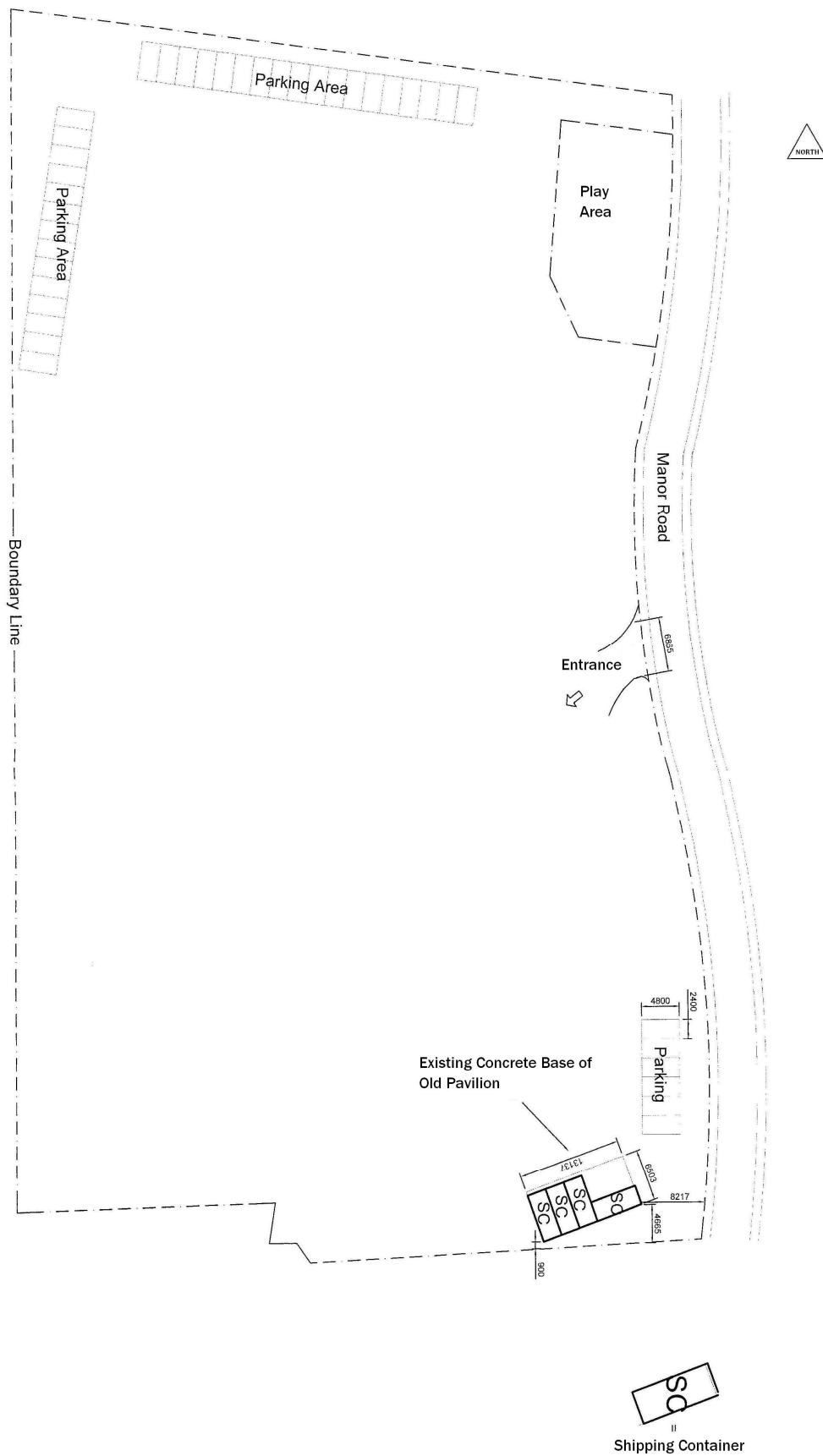
# Site Plan

Scale 1:2,500

Date 09/08/11



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5.02 - SE/11/01282/FUL Date expired 3 August 2011

PROPOSAL: Erection of garden shed (Retrospective)

LOCATION: 1 The Stables, Halstead Place, Halstead TN14 7BJ

WARD(S): Halstead, Knockholt & Badgers Mount

#### **ITEM FOR DECISION**

This application has been referred to Development Control Committee at the request of Councillor Grint, because the proposal would not have an adverse impact on the listed building, conservation area or the Green Belt.

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

The land lies within the Metropolitan 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. The Council does not consider that the special circumstances put forward in this case are sufficient to justify overriding policy SP5 of the SE Plan and PPG2.

#### Description of Proposal

- 1 Erection of garden shed (retrospective). The shed measures 3.05m by 1.52m rising to a height of 1.98m with a sloping roof and is of a wooden construction with glass windows. The shed is located adjacent to the property's detached garage.

#### Description of Site

- 2 1 The Stables is an end of terrace grade II listed building located within the Halstead Place site. The site has recently been developed for 33 houses and is located within the Green Belt. The current development was approved because of the very special circumstances advanced that the proposal would lead to an overall reduction in development on site, would possess a less intensive use, improve the setting of the listed buildings and the Site of Ancient Monument, improved landscape management, public access and ecological benefits.

#### Constraints

- 3 Conservation Area
- 4 Listed Building Grade II
- 5 Section 106 - S106/SE/08/01915

6 Tree Preservation Order

7 Metropolitan Green Belt

Policies

*South East Plan (2009)*

8 Policy CC1: Sustainable Development

9 Policy CC3: Resource Use

10 Policy CC4: Sustainable Design and Construction

11 Policy CC6: Sustainable Communities and Character of the Environment

12 Policy M1: Sustainable Construction

13 Policy SP5: Green Belt

*Sevenoaks District Local Plan:*

14 Policy EN1 Development Control – General Principles

15 Policy H6B & Appendix 4 Residential Extensions

16 Policy EN23 Conservation Area

*SDC Core Strategy*

17 Policy SP1 Design of New Development

*Other*

18 Planning Policy Guidance 2: Green Belt

19 Planning Policy Statement 5: Planning for the Historic Environment

20 Planning Policy Statement 7: Sustainable Development in Rural Areas

21 Halstead Village Design Statement

Planning History

22	06/00815/FUL	Redevelopment of site to provide 61 dwellings (57 no. new & 4 no. through conversion) with associated car parking, access and landscaping.	REFUSE	27/06/2006
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23	06/00855/LBCALT	Conversion of listed Stable Block building and adjacent	GRANT	30/06/2006
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**SE/11/01282/FUL Item No 5.02**

Coach House for residential use.

24	06/02534/FUL	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	REFUSE	19/12/2006
25	06/02535/CAC	Demolition of unlisted building and structures within a designated conservation area as part of a proposed residential development.	GRANT	22/11/2006
26	07/00766/FUL	Redevelopment of site to provide 48 no. dwellings (44 no. new and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	REFUSE	20/06/2007
27	07/00053/RFPLN	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	APWITH	13/08/2007
28	08/01915/FUL	Redevelopment of site to provide 33 no. dwellings (29 no. new build and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	GRANT	20/02/2009
29	09/00690/FUL	Temporary permission for the erection and subsequent partial removal after 2No. year of a sales suite.	GRANT	22/05/2009

Consultations

*Halstead Parish Council*

30 'The Parish Council supports this planning application.'

*SDC Conservation Officer*

- 31 Given that the structure is small in size and is attached to the car barn, I consider that if it were to be stained to match the cladding to the end wall of the car barn, there would not be any significant impact on the setting of the Listed Building.

Representations

- 32 Five letters received supporting the application.

**Head of Development Services Appraisal**

Principal Issues

- 33 The principal issues are:
- Impact on the Green Belt;
  - Impact on amenities and street scene;
  - Impact upon the Conservation Area and Listed Building;
  - Trees.

*Impact upon the Green Belt*

- 34 PPG2 (Green Belts) states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agriculture and forestry. The limited extension or alteration of an existing dwelling can be appropriate but this proposal for a shed cannot be described as an extension or alteration as it is a detached outbuilding.
- 35 The application site is located within the Green Belt. It was concluded in the report for the overall residential development on the site, that all the new buildings constituted inappropriate development in the Green Belt. As outlined above planning permission was granted for the redevelopment of the site because of the special circumstances advanced that clearly outweighed any harm to the openness of the Green Belt. Various conditions were attached to the planning permission to remove permitted development rights to prevent further development on the site, hence the requirement for the current submission.
- 36 Policy H14B refers to outbuildings in the Green Belt but this policy only applies if the outbuilding is also in the Area of Outstanding Natural Beauty. Halstead Place School, including this application site, is not in the Area of Outstanding Natural Beauty. There is therefore no local policy that applies to their proposal and it is therefore inappropriate development in the Green Belt.

**SE/11/01282/FUL Item No 5.02**

- 37 Though modest in scale the shed as a new building within the Green Belt would, due to the additional bulk created in the form of the proposal, be harmful to the openness of the Green Belt.
- 38 In such circumstances, it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. These are considered further below.
- 39 PPG2 states that the most important attribute of Green Belts is their openness. The erection of a shed leads to the erection of a three dimensional form that was not previously in place and accordingly has a detrimental impact upon the openness of the Green Belt.

*Impact upon local amenities and street scene*

- 40 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must 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.
- 41 The shed has been erected against the side of the property's detached garage located within the rear garden of no 1 The Stables. This is set behind a close boarded wooden fence of approximately 1.8m and a brick wall rising to a height of approximately 1.8m. The fence and wall bound the rear of the garden with an access drive lying behind the property.
- 42 The garage would screen views of the shed from the southwest however the roof of the shed would be visible and the shed would be visible from the north west above the brick wall. However due to its size and it being viewed against the bulk of the garage its impact upon the visual amenities of the area would in my view be minimal.

*Impact Upon the Conservation Area and Listed Building*

- 43 Policy EN23 requires proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings should reflect local character. PPS5 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- 44 No 1 The Stables is a grade II listed building and is located within a Conservation Area. The shed set is within the rear garden of the property adjacent to the car barn however due to its limited scale and through being

set adjacent to the car barn and partially shielded by a rear wall of approximately 1.8m in height the shed would not in my view have a detrimental impact upon the character and appearance of the Conservation Area or the listed building.

- 45 This view agrees with that of SDC's Conservation Officer who does however request that, if granted, the shed be stained to match the colour of the car barn.

### Trees

- 46 There is a number of trees on the Halstead Place site that are subject to Tree Preservation Order however through the shed being set upon the ground there is no detrimental impact on these trees created by the shed.

### Very Special circumstances

- 47 The applicant has stated that a garden store is required as secure storage for their lawnmower and other garden tools, in light of conditions which prevent the enclosure of the car barn and restricting development within the car barn that would preclude vehicular access.
- 48 The arguments advocated are not deemed in my view to represent very special circumstances in planning terms as they are easily repeatable across the wider area of Halstead Place School and for many other dwellings in the Green Belt. It is therefore concluded that the proposal would, through its physical bulk reduce the openness of the Green Belt and that there are no very special circumstances that clearly outweigh the harm in principle and any other harm.

### **Conclusion**

- 49 The shed would not have a detrimental impact upon local amenities, the conservation area, protected trees or the listed building.
- 50 The shed would however represent inappropriate development that would be harmful to the openness of the Green Belt. The very special circumstances advanced are not considered to outweigh the harm identified in principle or the additional harm to the openness of the Green Belt.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Guy Martin Extension: 7351

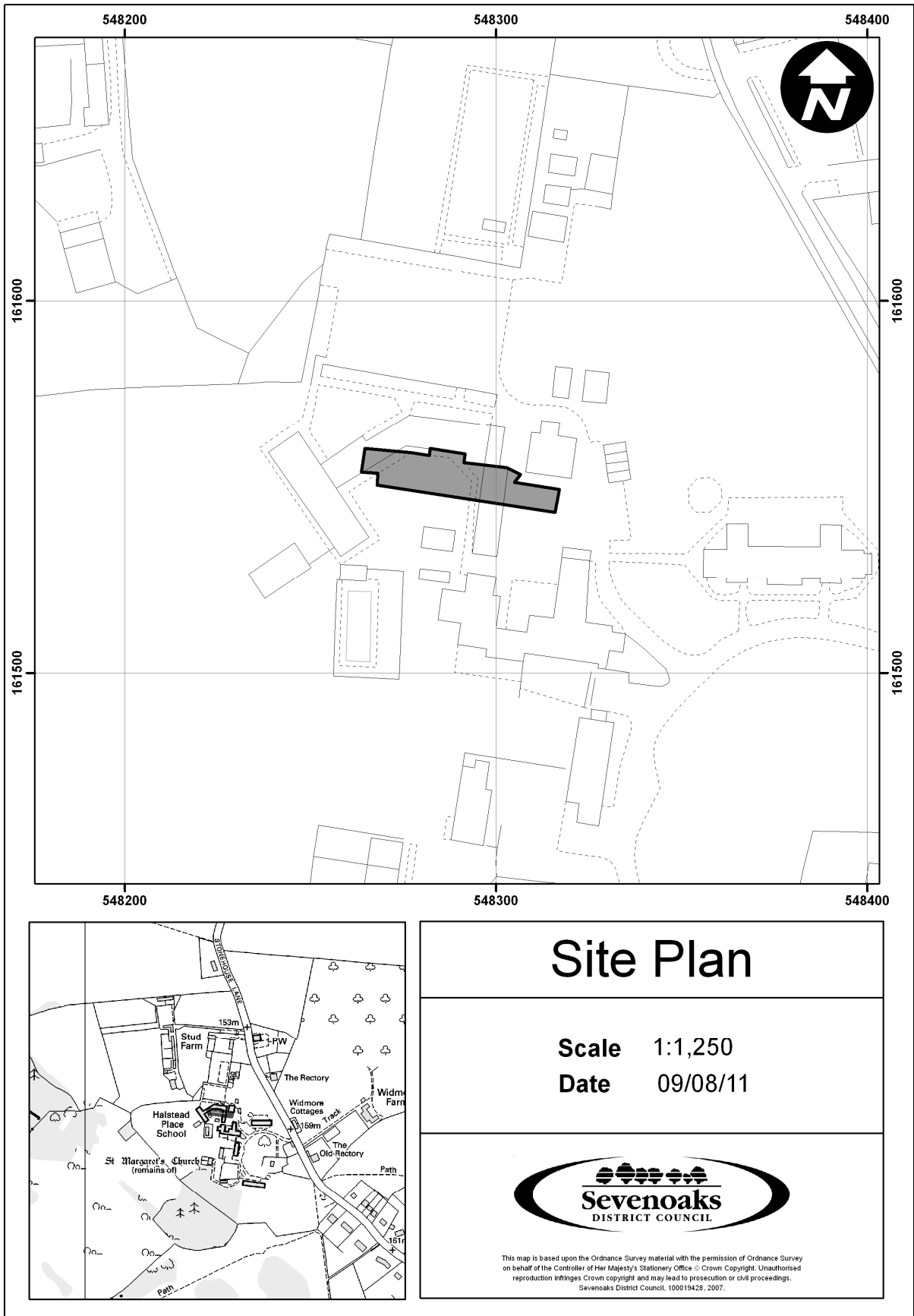
**Kristen Paterson**  
**Community and Planning Services Director**

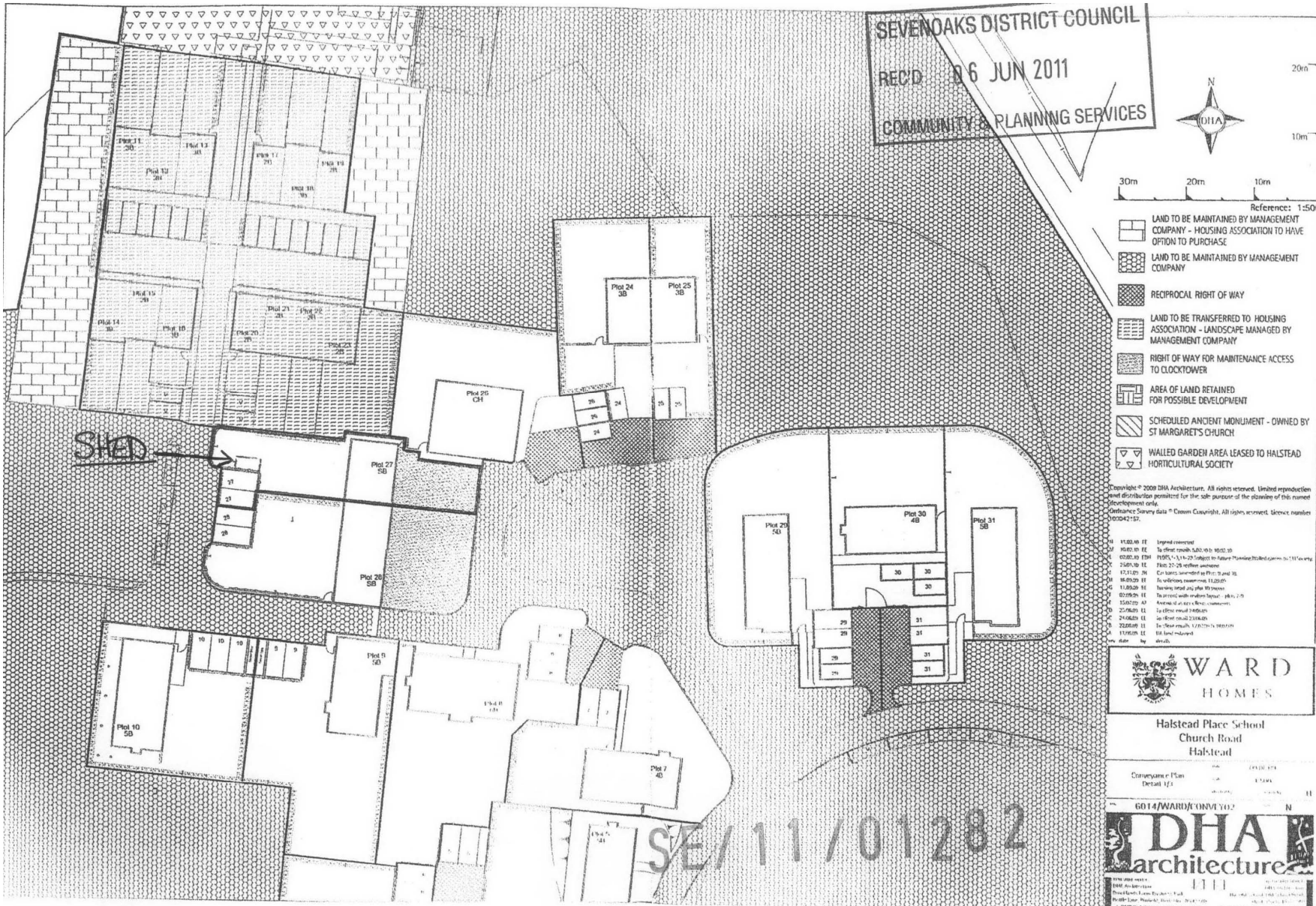
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11	15.00.00	EE	Original agreement
12	16.00.00	EE	To effect transfer 16/02/10 to 10/02/10
13	03.00.00	EDM	10/02/10 to 10/02/10 Subject to future Planning Policy changes to 11/02/10
14	24.00.00	EE	Plot 27-28 either agreement
15	17.11.00	EE	Can be used as Plot 29 and 30
16	16.00.00	EE	By voluntary agreement 11/02/10
17	11.00.00	EE	Transfer of land to the 10/02/10
18	03.00.00	EE	To be used with existing 10/02/10
19	15.00.00	EE	Agreement to be a 10/02/10
20	25.00.00	EE	To effect transfer 10/02/10
21	24.00.00	EE	To effect transfer 10/02/10
22	22.00.00	EE	To effect transfer 10/02/10
23	11.00.00	EE	10/02/10
24	11.00.00	EE	10/02/10
25	11.00.00	EE	10/02/10
26	11.00.00	EE	10/02/10
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100	11.00.00	EE	10/02/10



Halstead Place School  
Church Road  
Halstead

Conveyance Plan  
Detail 1/3

6014/WARD/00M/002



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SE/11/01282

