

06 January 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 22.12.21



The meeting will also be livestreamed to YouTube here [https://www.youtube.com/channel/UCL1f\\_F50fvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCL1f_F50fvTzxjZk6Zqn6g). Members of the public who wish to attend in person, are requested to wear face masks and observe social distancing procedures. For health and safety reasons access may be limited and will be on a first come first served basis

## Development Control Committee

### Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Pett  
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Edwards-Winsor, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Purves, Raikes and Reay

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 16 November 2021, as a correct record.	To Follow	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>21/01388/FUL - Land South Of 1 Singles Cross Cottages, Blueberry Lane, Knockholt KENT TN14 7NH</b>  Building operations relating to Lawful Development Certificate 20/02590/LDCPR, erection of fencing and entrance gates.	(Pages 1 - 16)	Jim Sperryn Tel: 01732 227000

- 4.2 **21/03403/HOUSE - Edenwood, Swan Lane, Edenbridge KENT TN8 6AT** (Pages 17 - 32) Samantha Simmons  
Tel: 01732 227000
- Two-storey side extension and a glazed link to a car port with room in the roof space.
- 4.3 **21/02355/FUL - Blueberry Farm, Blueberry Lane, Knockholt KENT TN14 7NH** (Pages 33 - 50) Jim Sperryn  
Tel: 01732 227000
- Conversion of two outbuildings to provide two residential units with parking and associated works.
- 4.4 **21/03346/LDCPR - Aberdeen House, Main Road, Knockholt KENT TN14 7JD** (Pages 51 - 58) Eliot Froment  
Tel: 01732 227000
- Detached garden building and separate WC building.
- 4.5 **21/02577/FUL - The Lock Up Garages, Lombard Street, Horton Kirby KENT DA4 9DF** (Pages 59 - 70) Joshua Ogunleye  
Tel: 01732 227000
- Demolition of existing garages and erection of two x 3 bed dwellings, together with landscaping and parking.

#### EXEMPT INFORMATION

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.

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 227000 by 5pm on Tuesday, 4 January 2022.

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.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

This page is intentionally left blank

4.1 21/01388/FUL

Revised expiry date 10 September 2021

Proposal: Building operations relating to Lawful Development Certificate 20/02590/LDCPR, erection of fencing and entrance gates.

Location: Land South Of 1 Singles Cross Cottages, Blueberry Lane, Knockholt KENT TN14 7NH

Ward(s): Halstead, Knockholt & Badgers Mount

#### Item for decision

Councillor Williamson originally referred the matter to Committee so that the implications on the openness of the Green Belt, impact on public right of way, highway conditions and viability can be discussed.

This Item was originally presented to Committee on 9th September 2021. Committee resolved to defer the item to allow the applicant to provide clarity on the details of the gates, the fences and the location of the hedging across the site.

Further details have been submitted by the applicant in this regard in the form of a Site Landscaping Plan, Site Access Plan and Field Access Plan. In summary, these plans indicate the planting of a new indigenous species hedgerow within the boundary of the site. To the outside of the hedge, separating the site from the field beyond, it is proposed to erect 1.5m high post and rail fencing with stock proof fencing. To the main entrance of the site is to comprise a 1.2m high, 5-bar gate. A separate galvanised metal gate to serve the field would be taken from the main site access, set approximately 36m into the site.

These details have been subject to re-consultation. Letters of objection have been received from the Parish Council and one local resident as detailed in the main report below along with the original comments.

The original recommendation remains unchanged.

**RECOMMENDATION:** 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) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 2705(02)1250 B, 001 A, 002 A, 003 A, 005 A; 2705(08)002 A, 2705(08)003 B, 2705(08)005 A, 2705(08)006 A, 2708(08)007 A, 2705(08)008.

## Agenda Item 4.1

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

3) Within three months of commencement of works a scheme of landscaping shall be submitted to the Local Planning Authority for approval in writing to include details of the size and species of any trees in the close vicinity of the barns to be retained or removed and details of the size and species of the proposed hedging. The landscaping shall be carried out in accordance with the approved details prior to first occupation of the buildings. If within a period of five years from first occupation of the buildings, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

4) To ensure the protection of badgers and nesting birds, all works will be carried out in accordance with the details contained in the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

5) No external lighting shall be affixed the buildings or installed on the site other than in accordance with a "lighting design strategy for biodiversity" which shall first have been submitted to the Local Planning Authority and approved in writing. The lighting strategy will :a) Identify those areas/features on site that, due to their potential for use by bats, are particularly sensitive to lighting impacts (including any biodiversity enhancement features)b) Show how and where external lighting will be installed in accordance with the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021 and with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and will be maintained thereafter in accordance with the strategy.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

6) Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These will be in accordance with the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021 and will include the provision of integrated bat and bird boxes and native species planting. The approved details will be implemented and thereafter retained.

In the interests of the ecology of the site as supported by policy SP11 of the

Council's Core Strategy.

7) The materials to be used in the exterior faces and roof of the buildings shall be as specified on the accompanying application forms.

To ensure that the proposed development does not prejudice the appearance of the locality, as supported by policy SP1 of the Council's Core Strategy.

**Informatives**

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

**National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in

light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The site accommodates two former agricultural, barn structures located some 190m to the south of 1 Singles Cross Cottages and to the rear of Blueberry Lodge, which has itself been the subject of a barn conversion. The barns are located towards the southern boundary of a large, open field, with woodland to the north and a tree line along the south-western boundary.
- 2 There is a gated access onto the field with a grass trackway leading towards the location of the barns. The site is located approximately 650m from the centre of Knockholt Pound to the east.
- 3 A right of way runs to the north and west of the site across the field.
- 4 The site is not within an Area of Outstanding Natural Beauty or Conservation Area.

### Description of proposal

- 5 The proposals seek permission for physical works to the exterior of the building and the erection of fencing and gates at the entrance to the site.
- 6 Permission is not sought for the use of the barns or the curtilage to these buildings, as these benefit from permitted development.
- 7 Neither is permission sought for the access driveway, as this also benefits from permitted development.
- 8 The external changes to the barns comprise re-cladding the external elevations in cedar timber panels and re-roofing in grey slate. New door and windows openings would be limited and would be finished in anthracite grey aluminium.
- 9 Whilst works to the interior do not require planning permission, they indicate both units would comprise 2 bedroom, self-contained units of accommodation.
- 10 The new entrance gates would be recessed 6m into the site. Post and rail fencing is proposed to run along the northern boundary of the site and to define a modest curtilage around each of the buildings. New native hedging is proposed on the outside of the fence line. The gates and fencing do not form part of the original application description (added to amended description), but are likely to benefit from permitted development.
- 11 The applicant has advised that no trees are intended to be removed.



**Relevant planning history**

- 12 98/01956/FUL: Demolition of two agricultural buildings and the erection of a single detached dwelling house. Refused.
- 13 14/02532/PAC: Prior notification for a change of use of agricultural building to a dwelling house (use Class C3). This application is made under Class MB of The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.
- Refused 29.9.2014 on the grounds of insufficient information to determine the degree of operational development necessary, lack of information regarding risk from contamination and inappropriate location.
- This related to the western-most of the two barns.
- 14 14/02533/PAC: As above, but for Barn 1 (eastern-most barn). Refused for same reasons outlined above.
- 15 19/03434/PAC: Prior Notification for a change of use from agricultural use to a dwelling house and associated operational development (Class Q Of Town and Country Planning (General Permitted Development) (England) Order 2015.
- Refused on 30.1.20, in summary, on the grounds that the works went beyond that permitted under Class Q and the curtilage would exceed that permitted.
- 16 20/01796/PAN: Prior notification for change of use from agricultural use to Class C1 (hotel). Application made under Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015. Notification only - acknowledged 6.7.21.
- 17 20/01804/LDCPR: Formation of vehicle access and hardstanding. (Under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015.) Granted 3.9.2020
- 18 20/02590/LDCPR: Change of use from agricultural buildings to class C1 Hotel (Under Class R of the Town and Country Planning (General Permitted Development)(England) Order 2015.) Granted 20.11.2020

**Policies**

- 19 National Planning Policy Framework (NPPF)
- 20 Core Strategy (CS)
- L01 Distribution of Development
  - L08 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity

## Agenda Item 4.1

- 21 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
  - T3 Provision of Electrical Vehicle Charging Points.

22 Other:

- Development in the Green Belt SPD

### Constraints

23 The following constraints apply:

- Green Belt
- Adjacent to Public Right of Way

### Original Consultations

24 Knockholt Parish Council (in summary)

25 We dispute the assumption in the D&A statement that the quoted Appeal decision makes permission a foregone conclusion.

26 In other totally unrelated Appeal cases, Inspectors have mentioned previous cases that have been won at Appeal, but they have then made and justified a different decision in the case they are reviewing.

27 Looking at the details of the quoted case it shows a far more substantial building, apparently capable of re-use, whereas these barns are almost non-existent. The 'Structural Survey' is a resubmit of the one from 2019 - which is completely inaccurate when compared with a previous Appeal Inspector's comments on the barns in 1998 (Appeal /APP//G2245/A/98/298149/P7) where he dismisses the claim that they were 'sound' then!

28 There was never an actual 'curtilage' to the barns as they were accessed direct from the working Blueberry Farmyard, not from Blueberry Lane, where the gate was only for stock and boundary maintenance.

29 The proposed access is on to what is an inappropriate de-restricted single-track lane with passing places, poor site lines, and regularly used as a cut through for speeding vehicles.

30 To obtain adequate site lines and a turning circle for large vehicles would require removal of considerable amounts of ancient indigenous hedgerow, contrary to current recommendations.

- 31 The proposed access road will necessitate at least 130m of agricultural land being hard surfaced, plus further destruction of existing pasture for vehicle parking and turning on site.
- 32 We note in the current application for residential development in Randles Lane there is comprehensive advice from the Fire Service on their requirements for emergency access on a previously developed and surfaced site.
- 33 We have not yet had the benefit of the usual required information on the footpath which runs in close proximity to the barns, development of which will adversely affect the views of what is idyllic rural scenery.
- 34 The proposed essentially 'new build' structures look exactly what they are - new residential units - as they are a resubmission of the previous 2019 application (refused) for conversion of the barns to residential - and will be a glaring intrusion in an unspoilt Green Belt location.
- 35 For development to be permitted in the GB requires preservation or enhancement, none of which this does.
- 36 We support all neighbours' objections to this inappropriate attempt to develop the Green Belt.
- 37 Were this application to be allowed, we strongly request that all PD rights for the entire site are removed.
- 38 KCC Highways
- Proposals do not meet criteria to warrant involvement from the Highway Authority.
- 39 KCC Public Rights of Way Officer
- 40 "Public Right of Way Footpath runs through the field where the development takes place but is approximately 24 metres from the north-western corner of barn 2. The route closer to the barns, presently walked to a stile in the boundary is not on the correct legal line. I enclose a copy of the Public Rights of Way network map showing the legal line of this path for your information.
- 41 This path runs from Blueberry Lane to New Years Lane a distance of 1.64 kilometres through fields and woods, with no dwellings apart from those on the road at either end. The rural aspect of the footpath will be adversely changed by the introduction of a vehicle access and two aparthotels, replacing the two gently dilapidating agricultural structures.
- 42 I note that the Location Block Plan red line area does not match with the Landscaping Plan. There is an extra turning area to the northwest on the

## Agenda Item 4.1

Landscaping Plan. This also extends further west than the area granted under the lawful development certificate for SE/20/01804/LDCPR and would therefore, I presume, require further planning permission to be sought.”

- 43 K.C.C. Ecology (in summary)
- 44 Are satisfied that sufficient information has been submitted to inform the determination of the application.
- 45 Conditions relating to mitigation and enhancement are recommended.
- 46 Arboricultural Officer
- 47 “Views of the barns location is partially obscured due to its location in the corner of the field and the mature trees located immediately adjacent to their south. Those mature trees are an effective screen of the site for local residents and from the highway. I am aware however that PROW runs immediately to the north of the site.
- 48 No details have been given regarding the fate of the aforementioned trees although it does appear that these will be removed to accommodate the proposals as shown on drawing 2705(08)002, which effectively loses any screening that exists. I have noted that LDC's show previous approval for the proposals.
- 49 Should the driveway/access be constructed, I suggest that a suitable material is used for it to blend in with the landscape, which can be conditioned.
- 50 The gateway/access design should also be conditioned to show suitable design for the location. Vision splays have not been referred to by KCC. I am concerned over how much hedging will need to be removed to accommodate suitable safety when leaving the site by vehicle. Are the dimensions as referred to on drawing number 2705(08)003 sufficient and realistic. Details of the new native hedging should be conditioned to show a suitable indigenous mix of species.”

### Representations

- 51 Comments have been received from seven local residents and the Knockholt Society raising the following objections, in summary:
- Structures are inappropriate for turning into “hotel” units.
  - Neither preserves or enhances Green Belt/Against spirit of the Green Belt.
  - No evidence an apart-hotel would be viable.
  - Buildings not capable of conversion.
  - What about impact on adjacent footpath which runs across the field within several metres of the site.
  - No pre-existing access into the site.

- Access would require removal of hedgerow to gain sightlines and 130m of agricultural land being hardsurfaced.
- Query suitability of access by emergency services.
- Questions over suitability of infrastructure/drainage.

#### Re-consultations on the additional Information

- 52 Further details have been submitted by the applicant in the form of a Site Landscaping Plan, Site, Site Access Plan and Field Access Plan.
- 53 In summary these plans indicate the planting of a new indigenous species hedgerow within the boundary of the site. To the outside of the hedge, separating the site from the field beyond, it is proposed to erect 1.5m high post and rail fencing with stock proof fencing. To the main entrance of the site is to comprise a 1.2m high, 5-bar gate. A separate galvanised metal gate to serve the field would be taken from the main site access, set approximately 36m into the site.
- 54 Knockholt Parish Council (in summary):
- The proposal by its commercial nature would be inappropriate to enhancing the openness and character of the green, verdant landscape. There would be inadequate sightlines. Query route of footpath.

#### Representations:

- 55 One letter has been received from a local resident, in summary, stating the amendments make no difference to the application proposals, which are ridiculous and fail to protect the natural space.

#### Planning Appraisal

- 56 Background:
- 57 As the planning history of the site is relatively complicated, the following is provided as a summary:
- 58 In January 2020 an application was submitted to ascertain if prior approval was required for the change of use of two former agricultural buildings into two no.2-bedroom dwellings (20/03434/PAC). The application was made under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 as amended. In summary, this Class allows for the conversion of agricultural buildings into dwellings subject to a number of criteria.
- 59 Due to the extent of works proposed, the proposals were considered to amount to rebuilding of the barn and thus to exceed the limitation on physical works allowed under this Class. Furthermore, inclusion of the access would result in the curtilage exceeding the relevant criteria under this Class. This application was refused.

## Agenda Item 4.1

- 60 In June 2020, the applicant submitted a notice advising that they intended to change the use of the barns into a flexible use (in this case specifying a hotel). This notice was submitted under Class R of the Permitted Development legislation. This Class of development permits such changes without recourse to the Council.
- 61 In September 2020, a Lawful Development Certificate was submitted for the formation of a vehicular access and hardstanding. This decision again, fell to be determined on the facts of the case. In summary, as the access would not be onto a trunk or classified road and was required in connection with development permitted under Class R, the certificate was granted.
- 62 The Lawful Development Certificate granted in November 2020 simply confirmed that the proposals would meet the criteria listed under Class R (which permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within a number of use classes, including Class C1 (hotels).
- 63 It is key to note that under Class R there is no requirement to consider the structural condition of the building, as there is under Class Q. This explains why the application above under Class Q was refused, whereas the application submitted under Class R was granted.
- 64 The agent confirms that frame repairs were undertaken in 2013 to make the structure sound. In addition, a structural support has been submitted in support of this application. In summary the report concludes that the main steel frames to the buildings are sound and capable of being retained, although it is clear that it will be necessary to re-clad and re-roof the barns and provide a new concrete floor.
- 65 Third parties have raised questions over the ability of the building to be converted and that the works involved would essentially amount to a rebuild.
- 66 An appeal decision from 2018 expressly considers this issue (appeal ref: APP/F1610/W/17/3188502, Middle Dutisbourne, Gloucestershire). The decision explains that permitted development rights under Class R are restricted to the change of use of the building. They do not grant any physical conversion works. Any associated operational development that would be reasonably necessary to use the building or land for the proposed use under Class R is required to be the subject of a separate planning permission.
- 67 The term “associated operational development” is defined within Class R. This sets a clear expectation that any such operations are limited to those reasonably necessary so that the building and land can be used for a use granted under Class R. This restricts works so as to avoid superfluous accommodation or features, for example.
- 68 However, it is evident that substantial works can be considered acceptable, including new elevations and roof and ground bearing concrete floor, if the

works are required to enable the building to function for its required purpose (in this instance as tourist accommodation/apart-hotel). It is also clear that consideration of whether the works involved are so significant that they go beyond conversion, is not a determining factor.

69 In this instance, the Council have already confirmed that the change of use of the barns does not require prior approval and therefore the use already benefits from planning permission granted by the permitted development right under Class R.

70 Returning to the appeal decision, at paragraph 16, the Inspector states:

*“The confirmation by the Council that prior approval was not required means that permission exists for the change of use of the building to a hotel. This is a very significant factor and it cannot be set aside. The development that is subject to this appeal is not for the change of use, nor is it for the construction of a new hotel. It is expressly for the building works that relate to implementing the change of use. The works proposed are extensive and would result in new external walls on all four elevations and a new external roof. However, given the nature of the existing building, I cannot envisage that works which were significantly more modest than what is proposed would be sufficient to allow the building and land to be used for its intended purpose. The works would not exceed what is reasonably necessary.”*

71 In light of the above, it is my conclusion that consideration of this application should be focussed on the impact of the changes to the exterior of the building and whether or not they would have an acceptable impact.

### Policy Background

72 Presumption in favour of sustainable development -

73 Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

74 Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

## Agenda Item 4.1

### Principal issues

75 The main issues requiring assessment relate to:

- Impact on the Green Belt
- Appearance and impact on visual amenity/landscape
- Other matters

### Impact on Green Belt

76 Whilst there is a presumption against new buildings in the Green Belt, there are exceptions to this.

77 Bearing in mind the use benefits from under the prior approval process and the access also benefits from permitted development permission (as does the curtilage to the buildings), and putting the visual appearance to one side as the impact of this will be considered separately below, I consider the implications of the changes to the exterior of the building to be very limited in Green Belt terms.

78 In my view the tests to apply in the particular circumstances are akin to paragraph 149 g) of the NPPF. This states, amongst other things, that exceptions to inappropriate development include “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 than the existing development.”

79 Section 7 of the Development in the Green Belt SPD takes a similar approach to proposals for previously developed land and reflects the tenet of the NPPF.

80 In this instance, whether or not the barns are presently enclosed, their overall form in terms of height and size is clearly definable.

81 The addition of cladding to the buildings would not increase the height or size of the existing buildings and in the circumstances, I do not consider that the three-dimensional impact of the built form would be greater than the existing.

82 It is therefore my conclusion, that the proposals would represent appropriate development in the Green Belt.

### Design and impact on visual amenity and the character of area

83 Policies SP1 of the Core Strategy seek high quality development whilst protecting the environment. L08 supports the maintenance and diversification of the rural economy, including rural tourism projects, if they conserve the countryside. EN1 of the ADMP also seeks high quality design and policy EN5 seeks to conserve the character of the landscape.



- 84 The southern and western portion of the field within which the barns drops considerably in level relative to the eastern part adjacent to the road. There is also tree screening to the east of the barn within the boundary of Blueberry Lodge. Because of this, the barns would not be readily visible to the road.
- 85 There is a footpath which runs from the north-eastern corner of the field directly south-westwards across the field, passing close to the west of the barns. However, the official Public Right of Way is set approximately 30m slightly further to the west. Whatever the route of the path, the southern portion would have a clear view of the application barns.
- 86 I am mindful that planning policy supports alternative uses within the countryside and that the re-use of existing buildings often involves complete re-cladding and re-roofing. I do not consider such works objectionable in principle.
- 87 Viewed from the public footpath, whilst the use itself and associated access and parking would contribute to the developed nature of the site, this application is not considering the implications of these aspects. As noted above, these elements do not require express permission.
- 88 In this instance, it is proposed to finish the barns in timber cladding with a grey slate roof. I consider this would reflect traditional materials seen in the wider locality and appear suitably subdued in terms of colouring, appropriate to their relatively isolated and rural setting. For these reasons, though they would be visible to the footpath, I do not consider the buildings themselves would appear visually prominent within the countryside or to be harmful to the visual amenities of the area.
- 89 The clarity provided by the amended plans indicates the planting of an indigenous species hedge will alongside the northern and western side of the access track, which will reduce its impact. The proposed post and rail fencing and gates are entirely appropriate in this rural setting. Therefore these additional details will ensure that the proposal would conserve the visual amenity of the local area.
- 90 I therefore consider the proposals would be policy compliant in this regard.

### **Residential Amenity**

- 91 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties.
- 92 The only property likely to be directly affected would be Blueberry Lodge. This itself was the subject of a barn conversion. The Lodge itself would be set a minimum 50m from the closest barn (Barn 1 on plan). There is existing foliage along the party boundary, which would soften the impact of the proposals. I note two windows are proposed in the western (rear) elevation of Barn 1. Because of the distances involved direct overlooking of habitable

## Agenda Item 4.1

space would be limited, however, these windows could be conditioned to be obscure glazed. Otherwise, I do not consider the appearance of the buildings would be intrusive.

- 93 In the circumstances, I consider the proposals to be policy compliant in this regard.

### Other matters

- 94 The highway implications of the proposals, including visibility splays, do not fall to be considered, as permission is not required for the access.

- 95 Similarly, as the proposals relate only to the operational development (cladding of the building etc.), it would be unreasonable to impose conditions relating to the impact of the change of use. However, the applicant is amenable to conditions relating to ecological mitigation, enhancement and control of lighting on the site.

### Community Infrastructure Levy (CIL)

- 96 There are no CIL implications from the external works proposed.

### Conclusion

- 97 In light of the above, I consider the proposals represent appropriate development within the Green Belt. Furthermore, I consider the building operations proposed would be sympathetic and conserve the character and appearance of the locality. The impact on the occupiers of the neighbouring property would also be acceptable.

- 98 It is therefore recommend that the application is approved.

### Background papers

Site and block plan

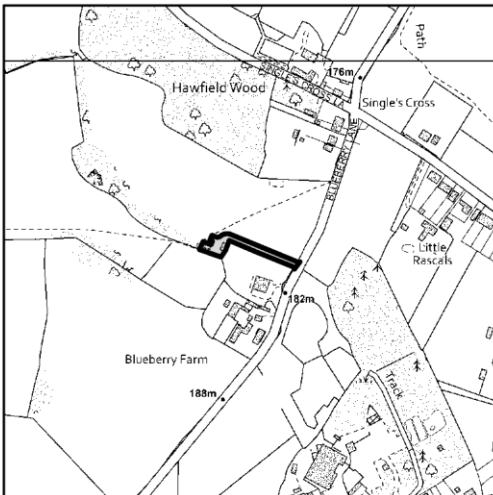
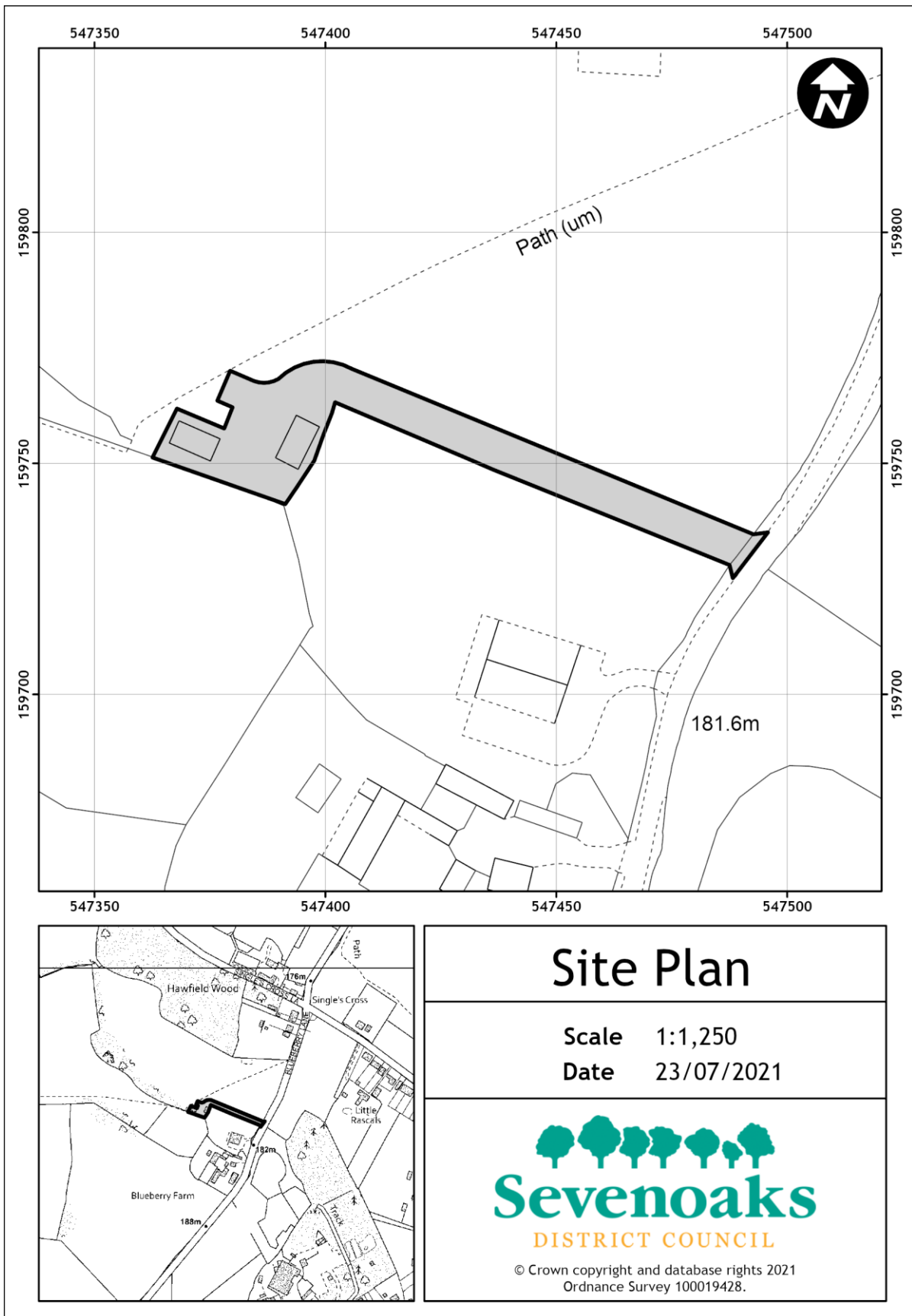
Contact Officer(s):

Jim Sperryn: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



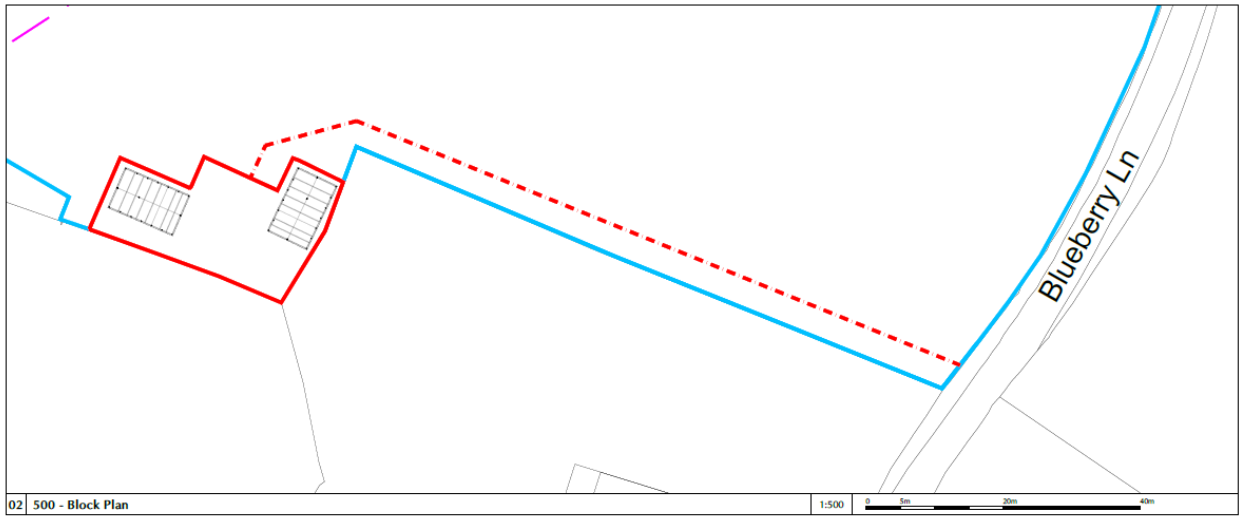
# Site Plan

Scale 1:1,250  
Date 23/07/2021



© Crown copyright and database rights 2021  
Ordnance Survey 100019428.

BLOCK PLAN



4.2 21/03403/HOUSE Date expired 7 December 2021

Proposal: Two-storey side extension and a glazed link to a car port with room in the roof space.

Location: Edenwood, Swan Lane, Edenbridge KENT TN8 6AT

Ward(s): Edenbridge North & East

**Item for decision**

This application has been called to Committee by Councillor McGregor for the following planning reasons that are broadly in line with the Town Council's reasons for objection:

- 1) The application design does not fit with the Character Area Assessment (March 2021) which refers to maintaining the character of existing properties, and retain or enhance the countryside character.
- 2) The proposal of the application is overbearing and not compatible with the local area. This is in breach of the policies set out in EN1.
- 3) The proximity with its neighbours will infringe of their privacy and is also in breach of policy EN2 - overlooking and visual intrusion to neighbouring properties and if built it would result in an unacceptable loss of privacy to occupiers of nearby properties.
- 4) Drainage issues - there is already problems, and no soakaway. The Plans also show development directly over the current manhole.
- 5) The large proportion of glass is out of character and intrusive to neighbouring properties.
- 6) The existing trees are substantial and there is nothing to mitigate potential root damage or ecological impact.

**RECOMMENDATION:** 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 application form dated 12 October 2021, and materials referred to on page 17 of the Design & Access Statement dated October 2021.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby approved shall be implemented in accordance with the Arboricultural Recommendations and Method Statement outlined within the Arboricultural Impact Assessment and Method Statement by Canopy Consultancy dated September 2021 and in accordance with drawings SK100 Rev P2 Car Port Foundation Proposals and 21-1239-TPP Tree Protection Plan.

To protect the trees under woodland Tree Preservation Order on site, in the interests of the visual amenity of the area, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. Any proposed lighting shall be designed in accordance with guidelines from the Bat Conservation Trust "Bats and Lighting in the UK". The installation of external lighting shall only be carried out in accordance with the approved details.

In the interests of preserving biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

5) The development hereby approved shall be implemented in accordance with the following approved plans: E001 Site Location Plan, P150 Proposed Site Plan , P200 Rev P4 Proposed Floor Plans, P450 Proposed Elevations, SK100 Rev P2 Car Port Foundation Proposals, 21-1239-TPP Tree Protection Plan.

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

#### **Informatives**

1) The applicant is advised that this permission in no way purports to grant permission for any other amendments to the house which do not accord with permission 15/03069/FUL and which are not specifically referred to in the description of works to which this application relates. The applicant is advised that any such amendments should be formalised through the submission of a separate application for planning permission, as necessary.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The site is a backland development on a triangular parcel of land along the south side of Swan Lane.
- 2 The site is located within the built confines of Edenbridge, within a residential area, and is bound by residential housing on all sides.
- 3 The site contains a detached three-bedroom house in a chalet-style with a parking area to its front. The house has decking to the rear and a side and rear garden which benefits from mature and semi-mature trees along its side and rear boundaries. The trees on site are under a woodland Tree Preservation Order.
- 4 The site is accessed along the south side of Swan Lane, via a driveway between two neighbouring houses which front Swan Lane, called Edelweiss and Amberwood. The site was historically part of the rear gardens of both these neighbouring sites.

### Description of proposal

- 5 This application seeks permission to erect a two-storey side extension along the east-facing side of the house. The existing rear decking would be extended to link to the side extension.
- 6 It is also proposed to erect a carport to the north east of the house, with first floor habitable space (a bathroom) and two rooflights which traverse the ridgeline of the roof, as well as side facing windows on a catslide dormer.
- 7 A glazed walkway at first floor level would link the first floor of the carport to the first floor of the two-storey side extension. A single-storey store would be sited to the east of the carport.

### Relevant planning history

- 8 Initial permission for a detached house on site and for a single-storey carport was granted in 2013.
- 9 The house was built in a slightly different position to that approved (sitting further forward by 1.2m and further back by 1m) with an orangery to the southeast corner to square off the footprint of the house and slight elevation and glazing differences, including the addition of rear decking. The carport was also proposed to be brought further forward into the site, away from the eastern boundary of the site and further from an oak tree under TPO. These variations to the house were regularised under planning application 15/03069/FUL.
- 10 The carport has not been built out on site but extant permission remains to build out the single-storey carport granted under application 15/03069/FUL and the carport could still be built out as a result.
- 11 The relevant planning history for the site is detailed below.

## Agenda Item 4.2

- 12 04/02556/FUL - Detached house and garage. Refusal and appeal dismissed reference: 05/00006/RFPLN) in 2005.
- 13 13/01437/FUL - Erection of a detached chalet style house, and detached carport with creation of access/driveway. Granted in 2014. Various conditions discharged, partly discharged or refused.
- 14 15/03069/FUL - Erection of a detached chalet style house and detached carport with creation of access/driveway and area of decking to rear (dwelling already built). Granted in 2016. All pre-commencement and prior to occupation conditions were discharged. This included granting further works to trees on site under details application 16/03782/DETAIL and removing a concrete slab which had been incorrectly laid for a carport (16/03776/DETAIL).

### Policies

- 15 National Planning Policy Framework (NPPF)
- 16 Core Strategy (CS)
  - L01 Distribution of Development
  - SP1 Design of Development and Conservation
  - SP11 Biodiversity
- 17 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - T2 Vehicle Parking
- 18 Other:
  - Sevenoaks Residential Extensions Supplementary Planning Document (Residential Extensions SPD)
  - Edenbridge Character Area Assessment SPD (ECAA) - reference code E1.4 Swan Lane and Pit Lane

### Constraints

- 19 The following constraints apply:
  - Urban confines of Edenbridge
  - Swan Lane and Pit Lane Edenbridge Character Area
  - Tree Preservation Order - woodland area comprising mainly oak species
  - Section 106 - Affordable housing contribution related to permission 13/01437/FUL.



## Consultations

20 Edenbridge Town Council - Object

21 Members strongly object to this application as follows:

1. The application design does not fit with the Character Area Assessment (March 2021) which refers to maintaining the character of existing properties, and retain or enhance the countryside character.
2. The proposal of the application is overbearing and not compatible with the local area. This is in breach of the policies set out in EN1.
3. The proximity with its neighbours will infringe of their privacy and is also in breach of policy EN2 - overlooking and visual intrusion to neighbouring properties and if built it would result in an unacceptable loss of privacy to occupiers of nearby properties.
4. Drainage issues - there is already problems, and no soakaway. The Plans also show development directly over the current manhole.
5. The carport was built in wrong location when the original permission was granted.
6. The large proportion of glass is out of character and intrusive to neighbouring properties
7. The existing trees are substantial and there is nothing to mitigate potential root damage or ecological damage

22 Arboriculture and Landscape Officer - No Objection

23 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 protected trees situated at this site.

24 The whole site is covered by a woodland order (TPO 40 of 2003). It is not situated within a conservation area. I have read the arboricultural report provided by Canopy Consultancy.

25 Providing the recommendations within the report are followed, I have no objection to the proposed development.

## Representations

26 Representations from seven third parties have been received which object to the proposed development on the following grounds:

- Impact on the character of the area
- Impact to neighbouring amenity (outlook/visual intrusion, overlooking/privacy)
- Impact to trees/wildlife
- Sustainable construction
- Site drainage
- Historic planning breaches on site

## Agenda Item 4.2

### Chief Planning Officer's appraisal

- 27 Policy SP1, in line with the paragraph 11 of the National Planning Policy Framework, highlights there is a presumption in favour of Sustainable Development and planning applications which accord with the policies in a Local Plan should be approved without delay, unless material considerations indicate otherwise.
- 28 The material planning consideration in this instance are as follows:
- Impact on the character of the area, including trees under Tree Preservation Order
  - Impact on the amenity of occupants and neighbours of the development

### Impact on the character of the area, including trees under Tree Preservation Order

- 29 The site is located within the built confines of Edenbridge, and Policy LO1 of the Core Strategy directs development to be focused within the built confines of existing settlements. It states that Edenbridge will be a location for development of a scale and nature consistent with the needs of the town.
- 30 Policy SP1 of the local plan states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated, informed by local character area assessments.
- 31 Policy EN1 states the form of a development should be compatible with the scale, height, materials and site coverage of an area. The layout of the development should also respect the topography and character of the site and maintain important natural features such as trees.
- 32 Impact on character of the area:
- 33 Concern has been expressed by the Town Council and third parties, that the design of the proposed development does not fit with the character of the area, as highlighted within the Edenbridge Character Area Assessment (ECAA). This is assessed below.
- 34 In identifying the distinctive local character of the area, the site is situated within the Swan Lane and Pit Lane Character Area. This area is described within the Edenbridge Character Area Assessment (ECAA) as being of a varied character with a mixture of housing types, ages and piecemeal development ranging from the 19<sup>th</sup> century to more recent infill and housing located as back developments.
- 35 The site constitutes a back development along Swan Lane and is therefore typical of more recent housing patterns across the area.
- 36 The ECAA further states that the set back of existing buildings and sense of enclosure should be respected across the character area.

- 37 With regards to this - and as acknowledged in historic planning consents for the site - the site occupies a backland plot, with the existing house on site set back some 68 metres from the road frontage and screened in long-range views by existing residential dwellings which front the surrounding roads in a square formation.
- 38 The rear gardens of these frontage dwellings back onto one another, leaving the triangular land plot of the site surrounded by housing on all boundaries so that direct views of the house from the public realm are restricted to a view between two houses which front Swan Lane (Amberwood and Edelweiss), where the site access is provided. As such the existing house maintains a discreet position within the street scene where the majority of built form is screened from public view.
- 39 The two-storey side extension to the house would maintain the same set-back as that of the existing house (some 68 metres from the road) whilst the carport with first floor living space, and single-storey store which sits adjacent to the carport, would also remain at a significant set back from the road (at some 58 metres).
- 40 The carport, store and two-storey extension would be situated on the east side of the land plot and as such would be largely screened by the neighbouring dwelling called Edelweiss, which fronts Swan Lane.
- 41 In addition to the siting of the proposed development, the ridge heights of both the two-storey side extension and carport, would remain set-down from the ridgeline of the main house on site, whilst the siting of the carport would be read against the backdrop of built form from the house. As a result, the proposed development would not appear unduly bulky nor prominent and would maintain a discreet visual change in views from the public realm, respecting the existing form and scale of development visible across the area.
- 42 As such I consider the siting of the development to respect the existing set-back and sense of enclosure afforded to the site, in accordance with the design guidance set out in the ECAA, and to duly conserve the existing street scene and wider public realm.
- 43 Impact on trees and wildlife:
- 44 The sense of enclosure afforded to the site is also assisted by the range of mature and semi-mature trees on site. The ECAA states that mature trees which contribute to the character of the Swan Lane and Pit Lane area should be retained or reinstated. Policy SP11 further seeks to protect the existing biodiversity sites.
- 45 A woodland Tree Preservation Order (TPO) covers the site and the mature trees on site (predominantly oak species) provide an important backdrop to built form across the residential area, softening its appearance.
- 46 Planning history confirms a number of tree applications have been considered by the Council on the site to ensure the retention of the trees

## Agenda Item 4.2

under TPO, or the reinstatement of trees on site where retention has not been possible.

- 47 The applicants have provided an arboricultural impact assessment and method statement, undertaken by Canopy Consultancy, to British Standard (BS) 5837:2012.
- 48 This assessment measured the extent of tree canopy on site as of May 2021 and determined the extent and depth of rooting activity from the adjacent trees via an exploratory trench. Details of the trees surveyed are provided in TPP drawing 21-1239-TPP.
- 49 The arboricultural impact assessment concluded, via an exploratory trench, that no roots were found along the east section of the house and the build out of the two-storey side extension consequently would have no impact on the root activity of nearby trees.
- 50 The carport would be sited further to the east than the previously approved carports on site, in closer proximity to an Oak tree. A method statement has been provided within the report by Canopy Consultancy to confirm that the carport is to be sited on pad foundations with a concrete slab cast on top of the existing ground level to spread the load of the structure and mitigate impacts to nearby tree roots.
- 51 It further concluded one tree group (a Leyland Cypress referred to as G1 tree group/hedge on drawing 21-1239-TPP) is to be removed from the site to the north east of the site. This tree group (hedgerow) is of low maturity and low amenity value and provides informal hedging to the east boundary of the site at present.
- 52 The store is to be cast on top of the existing ground level and requires no excavation. The surrounding oak trees under TPO (trees T1-T5 on drawing 21-1239-TPP) are to be pruned prior to the construction of the development and/or protected via a tree protection barrier which is outlined on drawing 21-1239-TPP.
- 53 The Sevenoaks Arboriculture Officer has reviewed the construction and protection methods outlined within the report and has raised no objection to the proposed works, provided the methods as outlined within the arboricultural impact assessment and method statement, and within the drawing outlining the carport foundation proposals, are followed.
- 54 As such, it is considered that nearby trees of high amenity value can be protected by the development, subject to a planning condition to ensure the means of demolition and construction on site follow the arboricultural methods outlined above. There is no objection to the removal of the Leylandii (Leyland Cypress) which is of low amenity value to the site.
- 55 It is further noted in the planning history for the site that permission has been removed for any external lighting in association with the house and carport to mitigate disturbance to bats with potential to utilise the woodland environment of the site. Pressure to erect lighting may also occur in relation to the proposed development, which incorporates a glazed

walkway to a first floor bathroom above the carport. As such, this lighting restriction can be secured in relation to the current development proposed, to ensure bat populations utilising the site are duly safeguarded, in accordance with Policy SP11 of the Core Strategy.

- 56 Design of the development and impact on site character:
- 57 With regards to the design of the two storey side extension, the Residential Extensions SPD states a side extension should not dominate the original building. To assist this, a side extension should be set back from the front elevation of the original house and introduce a lower roof.
- 58 The proposed side extension is of a lower ridge height than the original house on site and would remain set-back from the front elevation of the house to reduce its massing. In addition to its subservient height, the extension would have both a subservient width and depth to that of the original house and occupy a modest footprint on the site, with a steeply pitched roof profile and gable-end design to respond to the existing form and roof pitches of the house. The proposed glazing and rear dormer of the extension would also be proportionate to the glazing, which already exists on the original house, and materials are stated to match that of the original house.
- 59 As a result, the proposed two-storey side extension would accord with the Residential Extensions SPD and would conserve the character of the existing house and site, as well as remain compatible with the appearance of development across the wider area.
- 60 With regards to the proposed carport and glazed first floor link, the Residential Extensions SPD states that outbuildings should be smaller in scale and clearly ancillary to the property, and should fit unobtrusively with the building and surrounding garden space and street scene.
- 61 A detached single-storey carport was approved in a similar position to the north east of the site under planning permissions 13/01437/FUL and 15/03069 and extant permission remains to build out this structure.
- 62 The design of the present carport is of a smaller footprint than the extant design, but would be of two storeys, remaining an open structure at ground floor level and with an enclosed first floor space. Although of two storeys, both the ridge height and footprint of the carport would remain both subservient and proportionate to the height and footprint of the existing house which is a two-storey three-bedroom dwelling.
- 63 The visual separation of the carport from the house would also reinforce its ancillary nature and the house would remain the dominant built form onsite. As such the carport is not considered to be of a dominant massing nor feature within its setting and would remain subservient to the main house on site.
- 64 The carport is proposed to be constructed in timber with a timber clad first floor level and glazing to present a contemporary addition to the house, whilst utilising materials typically associated with ancillary residential

## Agenda Item 4.2

structures. As a result, the visual appearance of the carport would conserve the existing visual appearance of built form on site and remain responsive to the woodland setting of the site.

- 65 The proposed single-storey store to sit adjacent to the carport would also remain clearly ancillary to the scale and form of the main house on site.
- 66 The Town Council and third party representations have expressed concern over the large proportion of glass proposed within the design of the development. The existing chalet-style house on site utilises large extents of glazing including a sheer panel of glazing to the front-facing gable to the house, which provides the entrance to the house.
- 67 As such, the glazing is considered to be visually in keeping and to directly reference the existing character and appearance of the house on site.
- 68 Conclusions on design considerations
- 69 In summary, the proposal is considered to be of a responsive and subservient scale and form to the main house, sited to retain and protect important trees on site, and detailed to remain of an appearance with responds to the architectural design of the main house, as well as to maintain a discreet bulk and form within the context of the wider Swan Lane and Pit Lane character area and street scene.
- 70 As a result, the proposal is considered to comply with the design guidance outlined in the ECAA and Residential Extensions SPD and to duly respect the existing visual appearance and scale of built form across the area, conserving the visual amenity of the area as a whole. The proposal is therefore considered to remain in accordance with Policy SP1 of the Core Strategy and Policy EN1 of the ADMP.
- 71 This is subject to a condition to ensure the trees on site are protected in line with the arboricultural method statement and tree protection plan provided, and to ensure an external lighting condition is applied to avoid disturbance to bats with potential to utilise the site.

### **Impact on the amenity of occupants and neighbours of the development**

- 72 Policy EN2 of the ADMP states that development should safeguard the amenities of existing and future occupants of a development and of nearby properties.
- 73 Development should not subject residents to excessive noise, vibration, odour, overlooking (unacceptable loss of privacy), visual intrusion (loss of outlook) nor loss of light.
- 74 The Town Council and third party representations have raised concern that the proposed works would be overbearing and visually intrusive to surrounding neighbours, and result in an unacceptable loss of privacy to neighbouring sites.
- 75 The proposed carport and two-storey side extension to the house would be sited a significant separation distance from the rear of nearby dwellings.

- 76 The closest neighbouring sites are Coppins (30m), Briador (32m) and The Gables (33m) which front Crown Road. Significant separation distances are also maintained between the closet neighbours fronting Swan Lane (Edelweiss at approx. 34m and Amberwood at approx. 35m). All other surrounding neighbours fronting roads to the south of the site (Ridgeway) and to the west of the site (Swan Ridge) maintain distances in excess of 40-60m.
- 77 As a result of these separation distances it is not considered that the proposed development would be of a proximity to result in a material loss of privacy to neighbours, nor be of a distance to result in overbearing development or visual intrusion to neighbouring outlook.
- 78 These separation distances would also preserve all light received (daylight and sunlight) to neighbouring amenity space which can be protected under local policy EN2 (this constitutes habitable rooms and the external space 5m to the rear of a dwelling).
- 79 Development in excess of 21 metres is normally accepted to be a suitable separation distance to protect neighbouring amenity and a degree of overlooking is expected between residential land uses within the built confines of settlements. National design guidance enables closer back-to-back developments within built settlements.
- 80 The proposed development would be sited in excess of 25 metres from the protected 5m to the rear of the nearest neighbouring dwellings (Coppins).
- 81 As such, due regard is given to the NPPF (paragraph 56) which states planning conditions should be kept to a minimum and only imposed where they are necessary and reasonable. In this instance, given the separation distance between the development and neighbours, planning conditions are not deemed necessary nor reasonable to apply and the existing distance is considered to safeguard the existing amenities of neighbours and to remain in accordance with Policy EN2 of the Sevenoaks ADMP.
- 82 In reference to the above, it is noted that third party representations, and the response to these representations by the applicant, has referenced additional privacy afforded from the trees on site. A site visit (undertaken when the deciduous trees have reduced foliage) confirms the crown height and canopy height of trees along the east boundary of the site would provide minimal screening of the development. That being said, it is not considered reasonable nor necessary to secure additional screening as a result of the separation distances considered above.
- 83 For the above reasons, the development is considered to be in accordance with policy EN2 of the ADMP.

#### Other issues

- 84 Parking and highways safety:
- 85 Existing parking provision for two independently accessible vehicles would be safeguarded by the proposal and the siting of the carport and extensions

## Agenda Item 4.2

would safeguard adequate turning for vehicles within the site. As a result the development would not prejudice existing highways safety conditions and would remain in accordance with policies EN1 and T2 of the ADMP.

86 Variation to plans:

87 The current dormers to the house are marginally smaller (shorter and narrower) than those previously approved under 15/03069/FUL. In addition, some of the fenestration has been altered (glazing bars are removed on the rear fenestration and rooflights have increased on the rear roof plane of the house). The rear decking to the house has been extended to the southwest of the house and sites a small shed. A shed also exists in the northeast corner of the site (and is proposed to be removed to site the store within this planning application).

88 These works do not form part of the planning assessment and only the side extension, carport and small store are considered within this planning assessment. This can be raised to the attention of the applicants via an informative on the decision notice for this application.

89 Additional third party representations:

90 In addition to the matters raised by third parties, which have been considered above, a number of objections have also been raised in relation to the following topics:

91 Sustainable construction

92 With regards to sustainable construction, the proposed developments are of an ancillary scale to the main house on site and are not considered to involve constructions methods which are out of the ordinary with the nature of development taking place. The arboricultural report submitted has detailed how the development would ensure the sustainability of the trees on site which are important to the ecology and visual amenity of the area and it is not considered that the construction would harm the local character of the site and wider public realm. The sustainability of the construction is further considered outside of the planning process (via Building Regulations) to ensure development does not result in an unsustainable impact on the natural environment.

93 Site drainage

94 With regards to site drainage, an informative on planning consent 13/01437/FUL alerted the applicant to their duties with regards to liaison with Southern Water for connection to the public sewerage network and to liaise with Building Control officers or the Environment Agency in relation to the provision of a soakaway to dispose of surface water from the proposed development.

95 This matter is a localised drainage issue (not considered within the planning assessment) as suitable safeguards were provided through historic permissions on site to avoid surface water runoff onto the highway and the site is not located within a sensitive flood zone (flood zone 1 and 2). That



being said, the applicants have confirmed that in line with the soakaway referred to in historic consent 18/03956/WTPO, a soakaway was installed on site and is in operation.

- 96 Historic planning breaches on site
- 97 Third party objection has been raised over historic planning breaches on the site. All historic planning breaches have been considered under historic planning assessments to mitigate or resolve harm caused through inappropriate or unlawful development. The variations on site at present (referenced above) do not form part of the consideration of this planning application.

#### **Community Infrastructure Levy (CIL)**

- 98 The proposal is not CIL liable.

#### **Conclusion**

- 99 The proposal is considered to respect the scale, siting, form and appearance of development, which characterises the Swan Lane and Pit Lane Character Area, and is considered to protect trees under TPO on site which provide an important contribution to the visual amenity of the area, subject to planning condition.
- 100 The significant separation distance of the development from surrounding neighbours is also considered to safeguard acceptable levels of residential amenity. Existing parking would be preserved on site and the ecology of the site would be protected, subject to a lighting condition.
- 101 It is therefore recommended that this application is **GRANTED** planning permission.

#### **Background papers**

E001 Site Location Plan

E010 Rev P1 Existing Site Plan and Floor Plans

E011 Existing Elevations

P150 Proposed Site Plan

P200 Rev P4 Proposed Floor Plans

P450 Proposed Elevations

SK100 Rev P2 Car Port Foundation Proposals

Arboricultural Impact Assessment and Method Statement by Canopy Consultancy dated September 2021

21-1239-TPP Tree Protection Plan

## Agenda Item 4.2

Design & Access Statement dated October 2021

Planning Statement dated October 2021

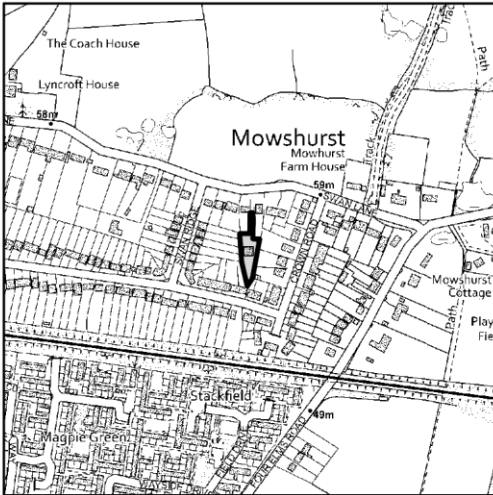
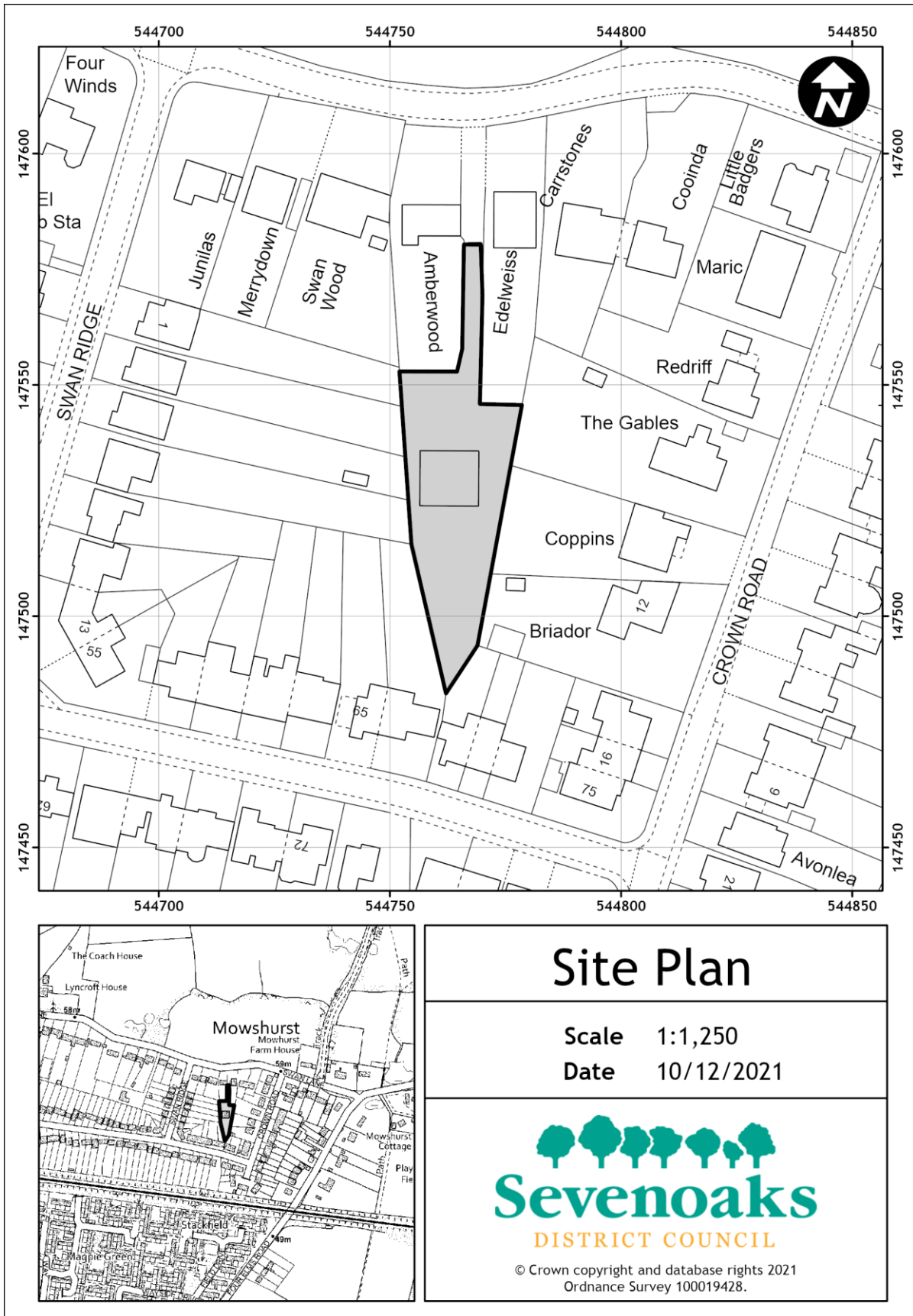
Contact Officer(s):

Samantha Simmons: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)

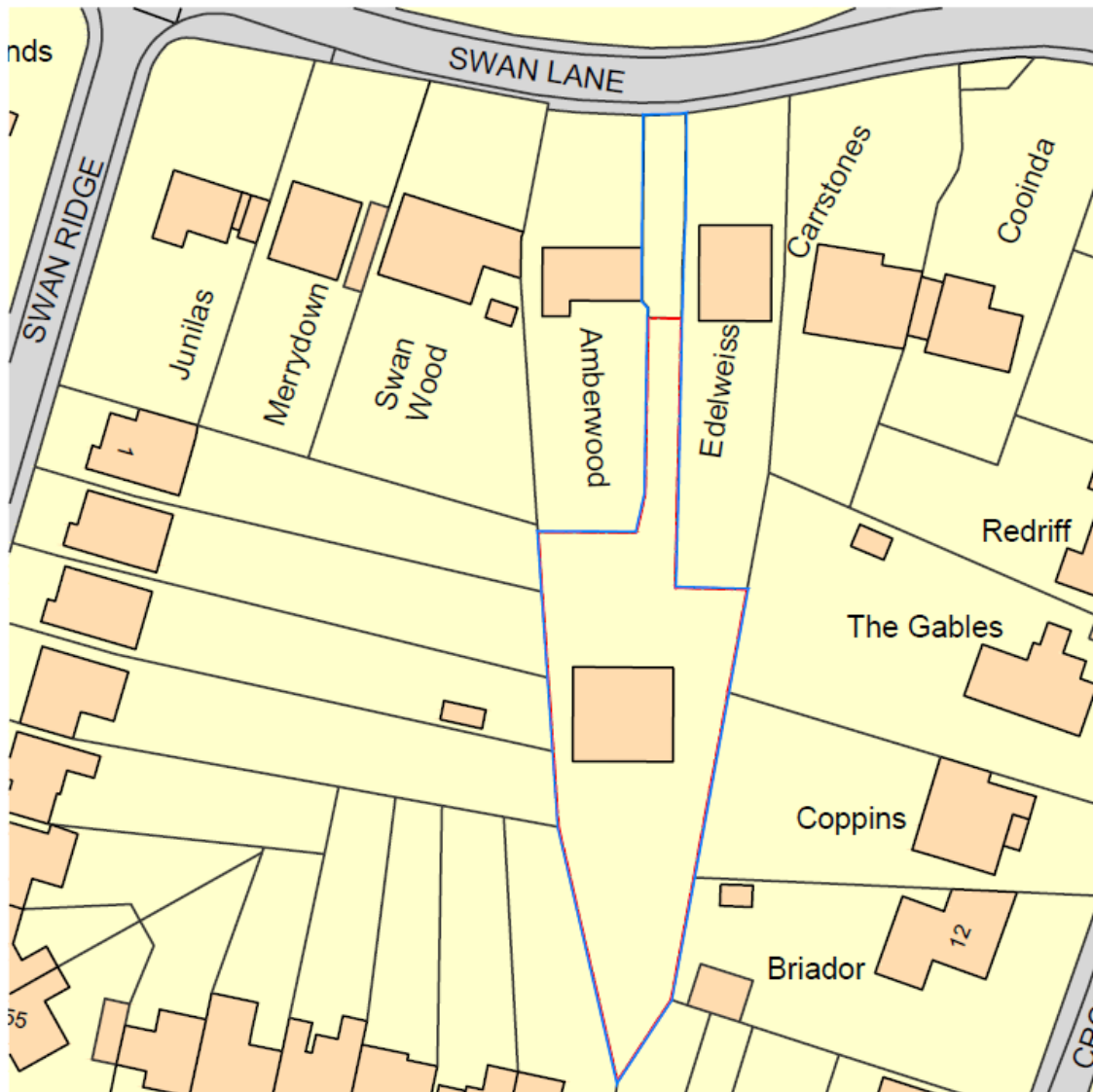


# Site Plan

Scale 1:1,250  
Date 10/12/2021



© Crown copyright and database rights 2021  
Ordnance Survey 100019428.



4.3 21/02355/FUL

Date expired 30 September 2021

Proposal:

Conversion of two outbuildings to provide two residential units with parking and associated works.

Location:

Blueberry Farm, Blueberry Lane, Knockholt KENT TN14 7NH

Ward(s):

Halstead, Knockholt & Badgers Mount

**Item for decision**

The application has been referred to Committee by Councillor Williamson so that the impact of the proposals on the openness of the Green Belt can be considered by Members.

**RECOMMENDATION:** 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 development shall be carried out in accordance with approved drawings and details: Site location plan to the scale of 1:2500 (drawing no. 4906-PD2-01); Existing plans, elevations and section of Building 1 (drawing no. 4906-PD2-03); Existing plans, elevations and section of Building 2 (drawing no. 4906-PD2-04); Existing site plan with approved scheme (drawing no. EX01 Rev A); Proposed site plan (drawing no. SP01 Rev D); Proposed ground floor and lower ground floor plan- Building 1 (drawing no. 02 B1 rev B); Proposed ground floor plan- Building 2 (drawing no. 02 B2 Rev D); Coloured elevation - Building 1 (drawing no. 04a B1); Coloured elevation - Building 2 (drawing no. 04a B2); Proposed elevations - Building 1 (drawing no. 04 B1 Rev D); Proposed elevations - Building 2 (drawing no. 04 B2 Rev F); Proposed outline sections - Building 1 (drawing no. 05 B1 Rev C); Proposed outline sections - Building 2 (drawing no. 05 B2 Rev B); Layout and elevations - Atcost building (drawing no. EX02); Proposed car port floor plans and elevations (drawing no. G01); Proposed floor plans and elevations - Building 1 (drawing no. X01 B1 Rev D); Proposed floor plans and elevations- Building 2 (drawing no. X02 B2 Rev G); Proposed elevations comparison - Building 1 (drawing no. X03 B1 Rev C); Proposed elevations comparison - Building 2 (drawing no. X04 B2 Rev C); Howard Sharp & Partners - Planning, Design and Access Statement. TSC Designs Ltd dated August 2019, an addendum report from TSC Designs Ltd dated April 2020. Supplemental structural engineers report from Structural Solutions Management Ltd dated 8th July 2021. Traffic Impact Statement Preliminary ecology assessment and bat survey from KB Ecology. Phase 1 Contaminated Land Assessment from Lustre Consulting. Photographs of the Atcost building.

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

3) Before the commencement of the development hereby approved (including demolition), a Phase 2 contaminated land investigation, including a remediation methodology (if necessary) shall be submitted to and approved by the local planning authority. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority. The details shall be implemented as approved. In the event that remedial work is required, none of the dwellings hereby approved shall be occupied until a verification report has been submitted to the Local Planning Authority for approval in writing to show the buildings are fit for habitation.

To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EN2 of the Council's Allocations and Development Management Plan.

4) Prior to the commencement of the development (including demolition work), a scheme for the control of noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with guidance found in BS5228-1:2009 (as amended) and BS5228-2:2009 (as amended) Noise and Vibration Control on Construction and Open Sites; and the Control of Dust from Construction Sites (BRE DTi Feb 2003). Upon commencement of the development (including demolition), work shall be carried out in accordance with the approved scheme. To include working times of 08:00 - 18:00 (Monday Friday) and 08:00 - 13:00 (Saturday). With no working on Sundays or Public Holidays.

In the interests of protecting the amenity of adjoining/nearby residential properties as supported by policy EN2 of the Council's Allocations and Development Management Plan.

5) The proposals shall not be carried out other than in accordance with the materials specified on the plans and details contained within the Planning, Design and Access Statement hereby approved.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to occupation of any of the approved dwellings full details of the hard and soft landscaping, means of enclosure and refuse enclosures shall be submitted to and approved in writing by the Council. Those details shall include:-  
- Details of all hardsurface materials;- Planting plans, (identifying existing planting, plants to be retained and new planting, including any replacement hedging adjacent to the visibility splays);- Written specifications, (including cultivation and other operations associated with plant and grass establishment);- Schedules of new plants, (noting species, size of stock at time of planting and proposed number/densities where appropriate), - all means of boundary treatment and other means of enclosure within the site, and;- A programme of implementation. Unless otherwise agreed in writing by the Local Planning Authority prior to commencement of construction as part of the programme of implementation, all planting, seeding and turfing comprising the approved details

of landscaping shall be carried out in the first planting and seeding season following first occupation of any of the approved buildings. The means of enclosure and refuse storage shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings. If within a period of 5 years from first occupation of the dwellings any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

7) The dwellings hereby approved shall not be occupied until the sightline improvements have been carried out as indicated on drawing SP01 Rev D and anything which obstructs visibility at any height greater than 0.5m above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

8) No external lighting shall be installed on the site or affixed to any buildings on the site other than in accordance with a lighting design plan for biodiversity shall have been submitted to, and approved in writing by, the local planning authority. The plan shall show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. No external lighting shall be installed other than in accordance with the specifications and locations set out in the plan and shall maintained thereafter in accordance with the plan.

In the interests of the impact on protected species as supported by Policy SP11 of the Council's Core Strategy.

9) From the commencement of works (including site clearance), all precautionary mitigation measures and/or works for reptiles will be carried out in accordance with the details contained in section 4.4 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology October 2019).

In the interests of the impact on protected species as supported by Policy SP11 of the Council's Core Strategy.

10) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations in section 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology October 2019). The approved details will be implemented prior to first occupation of the dwellings and thereafter retained.

In the interests of the ecology of the site as supported by Policy SP11 of the Council's Core Strategy.

11) The curtilage to each dwelling shall be as indicated on Proposed Site Plan

no.: SP01 Rev D hereby approved.

To prevent inappropriate development within the Green Belt and encroachment into the countryside as supported by policy GB7 of the Council's Allocations and Development Management Plan.

12) Prior to occupation of the dwelling, details for the provision of facilities for the safe charging of electric vehicles shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved, within 3 months of the approval and be retained, maintained thereafter and be available for use at all times.

In the interests of sustainable development and reducing emissions as supported by policy T3 of the Council's Allocations and Development Management Plan.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, D, or E of that Order.

To prevent inappropriate development within the Green Belt as supported by Government advice in the form of the National Planning Policy Framework.

14) With regard to the buildings identified on the Proposed Site Plan SP01 Rev D numbered 4, 5, 6, 7 and 8, notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 3, Classes Q, R or S (change of use of agricultural buildings) of that Order.

So that the potential impact of any other use of the adjoining buildings in conjunction with the use hereby approved may be considered in terms of the cumulative impact on the Green Belt as supported by policy GB7 of the Council's Allocations and Development Management Plan.

15) Prior to occupation of any of the dwellings hereby approved the Atcost barn indicated for removal on drawing SP1 Rev D shall be demolished with all resultant materials removed from site.

To prevent inappropriate development within the Green Belt as supported by Government advice in the form of the National Planning Policy Framework.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's



report.

### Description of site

- 1 The application site, originally formed part of a small complex of buildings comprising a 2-storey farmhouse, a number of former agricultural buildings and stables within a small complex. It is located some 300m to the south-west of Pound Lane Knockholt and approximately 550m northeast of the junction with Main Road, Knockholt. It is located approximately 1km by road to the west of Knockholt village centre.

### Description of proposal

- 2 This application seeks the conversion of two, single storey buildings set to the rear of the original Farm House. Building 1 comprises a brick built former milking shed, just over 220m<sup>2</sup> in total area. It is proposed to convert this building into a 4 bed room dwelling. The structure of the building is to be retained, utilising existing openings, but inserting large new windows.
- 3 Building 2 is a former stables, largely constructed in timber but with a number of external block walls, with a floor area of approximately 240m<sup>2</sup>. It is proposed to convert this building also into a 4 bed dwelling. Existing openings would largely be retained as existing, but adapted, for example some glazed/part-glazed doors in place of existing stable doors.
- 4 The existing vehicular access into the site is to be retained, but with improved sightlines. Parking for both dwellings would be provided within the existing courtyard between the buildings.
- 5 The supporting Design and Access Statement explains that the proposals do not affect the existing height or scale of the buildings. The necessary upgrades for Building Control would be achieved internally.
- 6 Planning permission has recently been granted for the conversion of these two buildings into two residential units.
- 7 The present proposals represent a variation on the approved scheme. The key differences are summarised as follows:
- 8 Building 1:
  - Introduction of partial lower ground level through internal excavation of the southwestern end of the building by approximately 1.5m. This would enable a mezzanine floor within the roof above. This would increase the internal floorspace by 52m<sup>2</sup>.
  - The existing roof form/ridge height of the building would not change.
  - Changes to approved fenestration.
  - Introduction of a rendered finished above brickwork plinth (approved as existing brickwork).
  - Reduction in size of roof lights.

## Agenda Item 4.3

- Use of slate grey Sika Sarnafil membrane roof (approved as metal clad roof).
- 9 Building 2:
- Demolition of small element of north-eastern end of building (4m in depth) and addition of small, flat-roof, extension to southern elevation (resulting in a negligible increase to floor area).
  - Some modest fenestration changes including reduction in number and size of roof-lights.
  - Use of handmade clay tiles to roof (approved as metal clad roof).
  - Use of black coloured, horizontal eternity cladding with black shutter (approved as brickwork).
- 10 It is also proposed to demolish an existing Atcost barn (57m<sup>2</sup> floor area) within the approved site and provide a carport (22m<sup>2</sup> floor area) with materials to match Building 2.

### Relevant planning history

- 11 98/01325/HIST: Proposed erection of a Granny Annex at Blueberry Farm, plus minor alterations to the elevational treatment of the farmhouse. REFUSED 02/12/1998
- 12 05/00568/FUL: Conversion of agricultural buildings to form 3 residential units & garages, demolition of three agricultural buildings including Atcost' building, ( revised plans & description), received with letter dated 23.6.05, and as amended by further revised plans indicating demolition of agricultural building (at cost) & alterations to elevations of Unit 1 received with letter dated 2.08.05. REFUSED 16/09/2005.
- 13 05/02818/FUL: Barn conversions to 5 dwellings. REFUSED 18/01/2006.
- 14 07/02412/FUL: Change of use from barn conversion to 4 x B1 office units. REFUSE 19/09/2007.
- 15 08/03315/LDCPR: Erection of garage. REFUSE 30/01/2009.
- 16 09/00278/FUL: Erection of double garage to replace existing sheds. REFUSE 22/04/2009.
- 17 11/02222/CONVAR: Removal of conditions 5 and 6 of SE/09/02485 - (Condition 5)- No extension or external alterations shall be carried out to the dwellings and (Condition 6)- No building or enclosure other than shown on the approved plans, shall be erected within the curtilage of the dwelling. REFUSE 19/10/2011.
- 18 11/03304/LDCEX: Use of the land edged in red on the Site Plan as residential curtilage of the property at Number 2 Singles Cross Cottages, Blueberry Lane, Knockholt. REFUSED 14/02/2012.

- 19 14/01614/PAC: Prior notification for a change of use from an agricultural building to a dwellinghouse (C3) and associated operational development. This application is made under Class MB of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014. REFUSED 16/07/2014.
- 20 14/01689/FUL: Demolition of three agricultural buildings, subdivision of the plot and erection of a new 4 bedroom detached dwelling incorporating rooflights and attached garage. Change of use from agricultural to residential dwelling. REFUSE 28/07/2014.
- 21 14/03562/PAC: (Barn to north of site, now known as Blueberry Lodge). Prior notification for a change of use from an agricultural building to a dwellinghouse (C3) and associated operational development. This application is made under Class MB of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014. PRIOR APPROVAL NOT REQUIRED 16/12/2014.
- 22 15/00511/LDCPR: (Blueberry Lodge) Conversion of agricultural barn to residential. GRANT 05/05/2015.
- 23 15/03098/PAC: (Blueberry Lodge) Prior notification for a change of use from agricultural use to a dwellinghouse (C3) and associated operational development. This application is made under Class QB of The Town and Country Planning (General Permitted Development) (England) Order 2015. PRIOR APPROVAL GRANTED 26/11/2015.
- 24 20/00429/FUL: Conversion of two outbuildings to provide two residential units with parking and associated works. Granted 17.8.20.

### Policies

- 25 National Planning Policy Framework (NPPF)
- 26 Core Strategy
- SP1 Design of New Development
  - SP2 Sustainable Development
  - SP3 Affordable Housing
  - SP11 Ecology
  - L08 The Countryside and the Rural Economy
- 27 Allocations and Development Management Plan (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - GB7 Re-use of a Building within the Green Belt

## Agenda Item 4.3

### 28 Other

- National Planning Policy Framework (NPPF)
- Development in the Green Belt

### Constraints

#### 29 The following constraints apply:

- Green Belt.

### Consultations

#### 30 Knockholt Parish Council:

31 Object on the basis that close inspection of Building number 2 reveals that the latest design would imply that this is no longer a conversion (on which basis the application was granted) as there is now evidence of a partial demolition and re-construction.

32 We note the sympathetic treatments of the exterior, retention of shared driveway and sympathetic reduction in roof lights, however, the representation of the finished dwelling appears to minimise the actual window area as the shutters are partially closed in the elevations.

33 We note the addition of a 2-bay car port, combined with the changes to floor area, despite the exchange of the Atcost barn, still represent a significant increase.

34 Were this application to be granted, we would request removal of all permitted development rights for the entire site. Also if this is granted, we fully support conditions being imposed to ensure adequate protection/enhancement measures as per the Ecology report.

#### 35 Highway Authority (in summary):

The development proposals does not meet the criteria to warrant involvement from the Highway Authority.

An informative is recommended.

#### 36 Natural England: (in summary)

No comments on the application and advise that we may wish to consult our own ecological services.

#### 37 KCC Ecology (in summary):

Are satisfied that sufficient ecological information has been submitted in support of the application.

38 It is noted that there is bat activity on site and a lighting condition is recommended. Reptile mitigation is also proposed and a condition is

recommended relating to this. It is noted that there may be breeding birds on site. An ecological enhancement condition is also recommended.

39 Environmental Protection (in summary):

Whilst the Phase 1 contaminated land assessment is out of date it does identify the need for intrusive investigation. This needs to be undertaken to allow for a remediation strategy to be devised. A verification report will be required prior to habitation of any dwelling.

**Representations**

40 Letters have been received from 2 local residents raising the following concerns:

- Appreciates sympathetic exterior treatment of buildings.
- Concerned with principle of “conversion” bearing in mind alterations proposed to buildings, including some increase in volume, and that proposals would effectively result in a new build.
- Aware of other sites where barns capable of conversion have collapsed.

**Chief Planning Officer’s appraisal**

41 The main planning consideration are:

- Green Belt implications
- Impact on Streetscene/landscape
- Impact on residential amenity
- Highway conditions
- Ecological impacts
- Affordable Housing
- Other issues

**Green Belt implications:**

42 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.

43 The advice states that there is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Such development should not be approved, except in very special circumstances.

44 Paragraph 137 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

45 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if

## Agenda Item 4.3

there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

- 46 However, paragraph 150 states that certain other forms of development are also not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 47 Policy GB7 of the ADMP reflects the tenet of the NPPF as set out above. The policy explains, in summary, that subject to proposals not having a materially greater impact than the present use on the openness of the Green Belt or harming the character of the area and the applicant demonstrating that the buildings are of permanent and substantial construction and capable of conversion without major or complete reconstruction that would detract from their original character, proposals for the re-use of a building will be permitted.
- 48 I would also note that the supporting text to this policy states that “*to avoid increasing impact, conversions that involve disproportionate extensions will not be considered acceptable*”.
- 49 As with the previous application, a Structural Assessment has been submitted in support of the application (dated August 2019 and an addendum dated April 2020). I have also visited the site and viewed the buildings, which remain in use, at close quarters and had no reason to doubt the voracity of the Structural Assessment. In the circumstances, it was previously concluded that the existing buildings are of permanent and substantial construction and capable of conversion without major or complete re-construction that would detract from the original character of the building. Consequently, planning permission was granted for the conversion of these buildings to residential use in August 2020.
- 50 This permission is a material consideration in the determination of this application.
- 51 The key issue is whether the amendments now proposed still represent an acceptable form of development. I consider each Building separately below.
- 52 This application is supported by a method statement from a structural engineer, although I note that this appears to be based on information provided to them, rather than any independent assessment. However, this indicates how the works to Building 1 could be undertaken whilst retaining the existing structure in situ. This would essentially comprise carefully phased, systematic excavation of the lower level.
- 53 I note that the proposals would increase the floor area of Building 1. However, I accept this can be achieved whilst retaining the existing building in situ. Therefore the key test, in my view, is whether the proposals would preserve the openness of the Green Belt as set out in the NPPF. In this regard, whilst the floor area would be increased and the lowering of the

ground level immediately to the rear (southern end) of the building and introduction of glazing would increase the apparent height and bulk of this elevation as a matter of fact, the wider impact would be extremely limited with no ramifications for the perceived overall height, scale or massing of the existing building. There would be no wider visual impact viewed from anywhere, other than standing immediately to the rear of the Building 1. In the circumstances, I consider the proposals would preserve the openness of the Green Belt.

- 54 Turning to Building 2, the key difference to the approved scheme is the demolition of a small portion of the north-eastern end of the building and erection of small flat roof extension. The extension is essentially a replacement of the floorspace removed in a slightly different format. I calculate an increase of approximately 2m<sup>2</sup> in area, but the impact would be balanced by the more compact footprint overall. Again, it is my conclusion that the proposals would preserve the openness of the Green Belt.
- 55 In conclusion, I do not consider the alterations to either Building 1 or 2 to be disproportionate and it is my conclusion that they would preserve the openness of the Green Belt
- 56 The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials. The buildings are to be altered with a few additional openings created to enable the residential occupation of the main barn.
- 57 The buildings have been in situ for in excess of 10 years and given the siting of the proposal within an agricultural setting, it is considered appropriate to withdraw permitted development rights for outbuildings and extensions to the property so that their size and appearance could be managed. This would also enable control over the proportions of the building in accordance with the NPPF.
- 58 The curtilage would be limited to an area closely surrounding the buildings. I do not consider the curtilage to either building to extend unreasonably into the agricultural land beyond. The curtilage can be controlled by condition. It would also be appropriate to impose conditions to restrict outbuildings.
- 59 In light of the above, I consider the proposals discussed above would comply with both Government guidance and local plan policy and to therefore represent appropriate development in the Green Belt.
- 60 The proposals also seek the erection of a large single carport, with open front elevation. It is also proposed to demolish the Atcost barn to the rear (west) of Building 2, which the previous application sought to retain for ancillary residential purposes.
- 61 The NPPF allows for the replacement of a building in the Green Belt, however, this is provided it is in the same use and not materially larger than the one it replaces. Whilst I accept that the Atcost barn may last have been used for ancillary residential purposes, I am unclear as to whether this

## Agenda Item 4.3

comprises the lawful use of this barn. In the circumstances, I consider this element of the proposals to potentially represent inappropriate development within the Green Belt, with the size of the garage having a modest impact on openness. Inappropriate development should not be approved except in very special circumstances, in this instance presented as the demolition of the existing barn. The matter of very special circumstances will be discussed further below.

### **Impact on street scene/landscape:**

- 62 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 63 Core strategy L08 states that the extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will be conserved and enhanced.
- 64 Policy EN1 of the ADMP requires development to respond to the character of the area and provide adequate parking, amongst other things.
- 65 Whilst there would be some change in materials, the addition of render to Building 1 would reflect other buildings in the locality (eg. Blueberry Lodge to the north). Having reviewed details of the proposed Sika Sarnafil membrane roof, I consider the appearance would reflect that of the approved metal roof. Most importantly, I consider the slate grey colour would be suitably muted in appearance and acceptable within this rural landscape.
- 66 The use of black horizontal eternit boarding to Building 2 would reflect its current appearance. The use of a clay tile roof is considered acceptable.
- 67 As with the approved scheme, some new extensive glazing is proposed, but this would not be widely visible in my view. Views from the west would set the buildings in the context of the main farm house and recently converted former barn to the north of the site.
- 68 The conversion of the buildings would have only a very limited impact on the wider character of the area or the landscape appearance of the site. They are set back from the highway, set within the context of other buildings and are not prominently sited.
- 69 New soft landscaping could be controlled via conditions. The red line represents a reasonably modest and well contained curtilage. In the circumstances, I consider the proposal would be policy compliant in this regard.

### **Impact on residential amenity**

- 70 Policy EN2 of the ADMP seeks to protect residential amenity.



71 The only neighbouring properties in close proximity are Blueberry Farm House and to the north the newly converted Blueberry Lodge. Both are under the applicant's ownership. Though the proposed residential use may result in some additional noise and disturbance, including from associated vehicular activity, this is unlikely to result in significant loss of amenity. Subject to landscaping and boundary treatments, there would be no loss of privacy to neighbouring occupiers.

72 I therefore consider the proposals to be policy compliant in this regard.

**Highway conditions:**

73 Paragraph 109 explains that "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

74 Policy EN1 of the ADMP requires satisfactory access and parking. Policy T2 requires satisfactory parking in accordance with set standards.

75 It does not appear that the site has had an intensive agricultural use for some time. Building 1 is used for storage by the applicants. Building 2 is presently used for stabling horses, however there is capacity for this use to be intensified.

76 The site is located outside of any village settlement and occupies an isolated location. However, re-use of the site for any purpose would be likely to have some highway implication. I do not consider the traffic generation from the introduction of 2 residential units would be very different to the existing potential of the site to generate traffic. In the circumstances, I consider it unlikely that the proposals would represent a significant increase over the potential vehicle movements to the degree that would fail the test of paragraph 109 of the NPPF.

77 Vehicular sightlines at the road junction are to be improved, which would be beneficial.

78 There would be adequate parking on site and electric vehicle charge points could be provided by condition.

79 I therefore consider the proposals to be policy compliant in this regard.

**Ecological Impacts:**

80 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement where possible. Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

81 The application is supported by a Preliminary Ecological Appraisal and Bat Survey. The report concludes that no roosting bats were present within the

## Agenda Item 4.3

buildings but are found in the immediate locality. However a precautionary mitigation strategy is proposed to minimise any potential impact on reptiles.

- 82 KCC ecology recommend this be subject to a condition along with a condition to control external lighting on the site. A condition is also recommended to secure biodiversity enhancements on site.
- 83 In light of the above, subject to suitable conditions, I consider the proposals to be policy compliant.

### Other issues:

- 84 Because of the former agricultural use of the site further contamination investigation with possible remediation is recommended by Environmental Health. This can be satisfactorily dealt with by condition.
- 85 The site is not identified as within a Flood Risk Zone or an area at risk from surface water flooding.

### Community Infrastructure Levy (CIL)

- 86 The proposals would be CIL liable and no exemption is sought.

### Very Special Circumstances:

- 87 Whilst I have concluded above that the re-use of Buildings 1 and 2 represent appropriate development within the Green Belt, the new garage would not. The garage would be harmful to the maintenance of the Green Belt in principle and by virtue of its size and scale would have a modest adverse impact on the openness of the Green Belt. No other harm is identified from this element of the proposals.
- 88 The applicant has suggested that the removal of the Atcost barn would represent very special circumstances, which would not only outweigh any harm from the carport, but also any harm from any additional building works, were they also considered to represent inappropriate development. However, I have concluded above that the additional building works to Buildings 1 and 2 represent appropriate development within the Green Belt.
- 89 With regard to the garage, it is my view, the removal of the Atcost barn would represent a clear reduction in built footprint and volume (35m<sup>2</sup> and 135m<sup>3</sup> respectively), which would be beneficial to the openness of the Green Belt. Furthermore, I consider the proposed siting of the carport to the north (side) of Building 2 would help to limit the spread of built form westwards into the open countryside beyond. I consider this also would be beneficial to the openness of the Green Belt.
- 90 In light of the above it is my conclusion that the very special circumstances would clearly outweigh the harm identified.

### Conclusion

- 91 The proposals is so far as they relate to Buildings 1 and 2 represent appropriate development within the Green Belt, which would retain the

scale and character of the buildings to the benefit of the character of the area and landscape generally. The proposals would have an acceptable impact on the amenities of neighbouring occupiers. Subject to suitable condition, I consider the impact on highway conditions and ecology would be acceptable. The very special circumstances advanced in the form of the removal of the Atcost barn would clearly outweigh the harm resulting from the proposed carport.

- 92 In light of the above and subject to conditions, I consider the proposals to be policy compliant.
- 93 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. In this instance, Government guidance does allow for the conversion of existing buildings within the Green Belt. In this instance, the proposals would make efficient use of the land and buildings through the provision of 2 additional residential units to add to the Council's housing stock, whilst preserving the character of the area. This would provide a modest economic and social benefit. I consider this adds weight in favour of these proposals.
- 94 It is therefore recommended that this application is **GRANTED**.

#### **Background papers**

Site and block plan

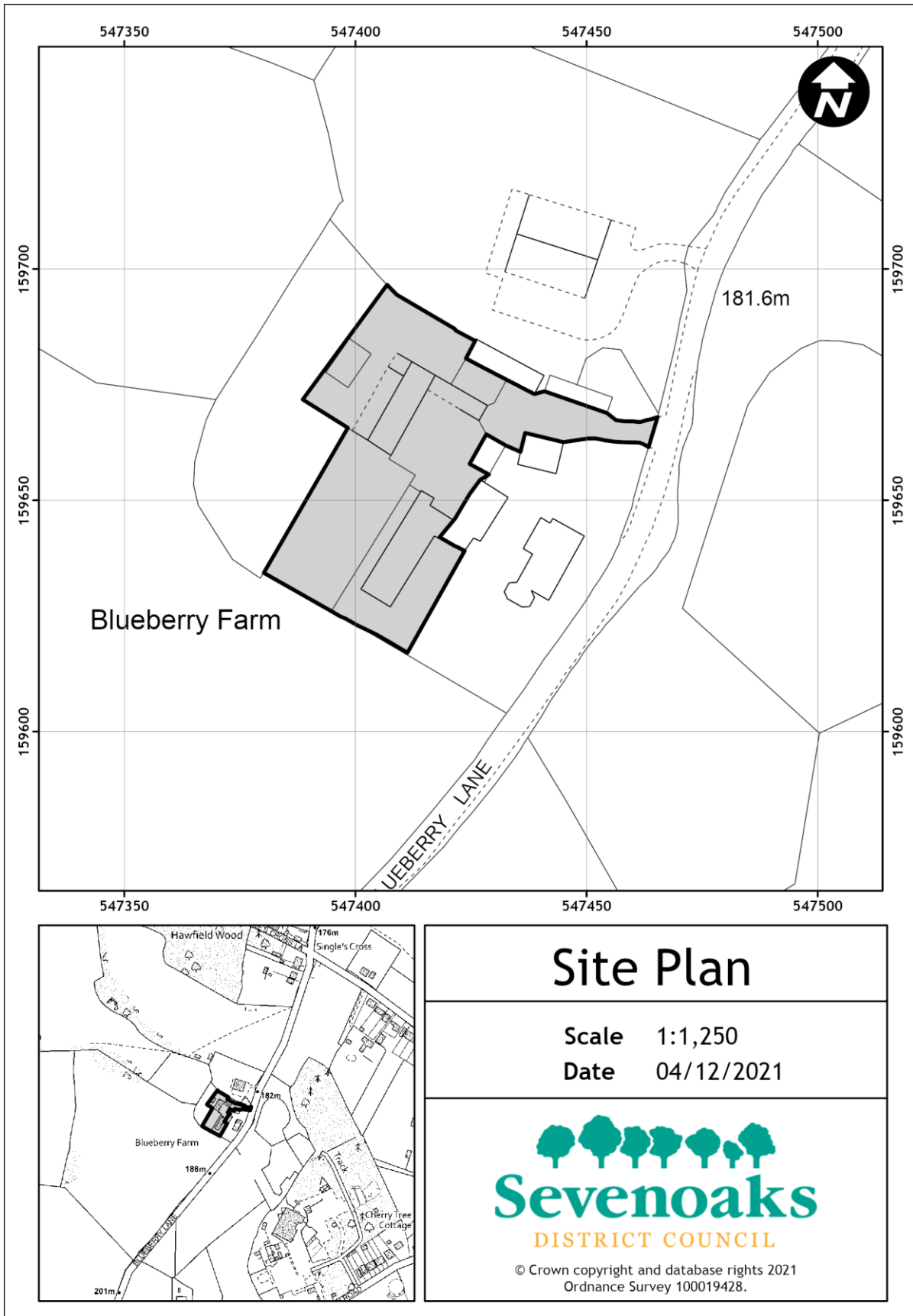
Contact Officer(s):

Jim Sperryn: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



This page is intentionally left blank

4.4 21/03346/LDCPR Revised expiry date 20 January 2022

Proposal: Detached garden building and separate WC building.

Location: Aberdeen House, Main Road, Knockholt KENT TN14 7JD

Ward(s): Halstead, Knockholt & Badgers Mount

**Item for decision**

Councillor Grint has referred the application to Committee based on the concern that the proposed development would not be incidental to the enjoyment of the dwelling.

RECOMMENDATION: That a Lawful Development Certificate be **GRANTED** for the following reasons:

The proposal would comply with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore would be permitted development. Planning permission is not required.

**Description of proposal**

1 Construction of a detached garden building and separate WC building.

**Description of site**

2 The site is a two-storey detached dwelling located within the residential Main Road, Knockholt. It is located within the Green Belt.

**Relevant planning history**

3 20/03283/LDCPR: Demolition of detached garage and erection of a detached building for use as a games room and home office. Grant 13/01/2021.

**Constraints**

4 No relevant constraints for the determination of the case

**Background information**

5 This application is for a Lawful Development Certificate for proposed works, to determine whether those works are permitted development or whether planning permission is required.

## Agenda Item 4.4

- 6 No consultations are required for this type of application and there are no planning policies that are relevant. This is a test against legislation and in this case the legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (to be referred to as ‘the Order’).
- 7 If the proposed works comply with the requirements of the Order, then we are obliged to confirm that the works would be permitted development, and grant a Lawful Development Certificate.
- 8 If the proposed works would not comply with the requirements of the Order, we would confirm that the works require planning permission and refuse a Lawful Development Certificate.

### Chief Planning Officer’s Appraisal

- 9 Whether the proposed use applied for is Lawful
- 10 The application is assessed under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 11 The planning history has been checked and permitted development rights are still intact for the property in relation to the proposed development. The proposed Construction of a detached garden building and separate WC building will be assessed under the criteria in Schedule 2, Part 1, Class E.
- 12 CLASS E - Buildings etc. incidental to the enjoyment of a dwellinghouse
- 13 **The provision within the curtilage of the dwellinghouse of:**
  - (a) **Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alterations of such a building or enclosure;**
- 14 The legislation then provides a list of criteria to be met.
- 15 However before considering these criteria, in this instance Members have raised the question of whether the proposed open side barn and separate toilet cubical would be required for a purpose *incidental* to the enjoyment of the dwellinghouse.
- 16 The Technical Guidance relating to Permitted Development states that buildings should be built for purposes incidental to the enjoyment of the house. A purpose incidental to a dwellinghouse would not cover normally include uses such as entirely fully self-contained living accommodation, although ancillary living accommodation is not uncommon. The proposed development would be an open-sided barn, akin to an open car port. Despite the separate toilet cubical proposed, the buildings would not have the facilities to be used independently to the original dwelling.



- 17 Case law has referred to the need to consider whether “the nature of the activities carried out in the proposed building ensure they are incidental or conducive to the very condition of living in the dwelling house.”  
Furthermore, whilst the size of an outbuilding may be relevant, it is not necessarily a conclusive. It has been held that incidental connotes an element of subordination in land use terms in relation to the enjoyment of the dwelling house itself. In my view the open sided design of the barn would ensure that it would appear subordinate to the main house and it would, for example, restrict any potential for independent commercial use.
- 18 In addition, the agent has confirmed in writing that:
- 19 “The applicant, having enjoyed time in the garden during the summer, now considers that an enclosed garden room is unnecessary & wishes to be able to continue to enjoy the garden during the remaining seasons by creating an open sided, roofed structure that will provide her a facility under which she can be semi sheltered from the elements & still enjoy the benefits of be outside in her garden. The applicant is a keen gardener & as such spends much of time in the garden & requires an outside WC to avoid having to traipse through the kitchen to the bathroom for comfort breaks. I trust this confirms that the use of the structure is indeed purely for purposes incidental to the enjoyment of the principal dwelling.”
- 20 I consider the size of the building proposed to be acceptable and there is no evidence that the buildings would be used in a manner unconnected with the house. On the evidence above I am satisfied that the buildings would be incidental to the enjoyment of the house.
- 21 The proposals therefore fall to be considered under the following criteria:
- 22 **E.1 Development is not permitted by Class E if—**
- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of of Class G, M, MA, N, P or Q of Part 3 of this Schedule (changes of use);**
    - This does not apply
  - (b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).;**
    - The proposed garden building and WC would not cover an area greater than 50% of the curtilage
  - (c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The proposal would not**

## Agenda Item 4.4

**extend beyond the plane of the existing roofslope which forms a principal elevation.**

- The proposed buildings would be situated at the rear of the dwelling.

**(d) The building would have more than a single storey;**

- The building would not have more than a single storey.

**(e) The height of the building, enclosure, or container would exceed -**

- (i) 4 metres in the case of a building with a dual-pitched roof,
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- (iii) 3 metres in any other case

- The WC would be located within 2 metres of the boundary of the curtilage of the dwelling, however, its height would be of 2.4 metres. The detached garden building would have a height of 3.864 metres and would have a hipped roof.

**(f) The height of the eaves of the building would exceed 2.5 metres;**

- The height of the eaves would be 2.257 metres.

**(g) The building, enclosure, pool or container would be situated within the curtilage of a listed building;**

- The dwelling on site is not listed and is not within the curtilage of a listed building.

**(h) It would include the construction or provision of a veranda, balcony or raised platform;**

- The outbuildings would not include any of these elements.

**(i) It relates to a microwave antenna;**

- The proposal would not relate to a microwave antenna.

**(j) The capacity of the container would exceed 3,500 litres.**

- Not applicable.

**23 E2. In the case of any land within the curtilage of the dwellinghouse which is within:**

- (a) an area of outstanding natural beauty,
- (b) the Broads,
- (c) a National Park; or
- (d) the World Heritage Site,

24 development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The dwelling is not located within any of the mentioned areas

25 The proposed outbuildings are therefore in accordance with the criteria of Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), and are permitted development.

#### Other Matters

- 26 One letter of objection from a neighbouring properties and one letter of objection from the Parish Council have been received and raise the following concerns:
- The potential impact of the development on the “peace and tranquility” of the household.
  - More frequent social gatherings and associated noise, social activity and footfall, particularly in the evenings.
  - The development would not be in keeping with the area’s character.
  - The measurements provided on the plans were “almost impossible to decipher”.
  - The development would take away from the car parking for the site where there is no off road parking.
  - The bulk would detract from the residential amenities of the area and does not afford access of vehicles from the drive.
  - The development would adversely impact the amenities of the neighbouring properties.
- 27 However, these are not matters that can be considered under the determination of a lawful development certificate, which decides whether or not a planning application is required. The LDC application does not make a judgement on the merits of the design or impact upon neighbouring properties.

#### Conclusion

28 The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Classes E of the Town and Country General Permitted Development (England) Order 2015 (as amended).

## Agenda Item 4.4

Therefore, no planning application is required for these works.

### **Background Papers**

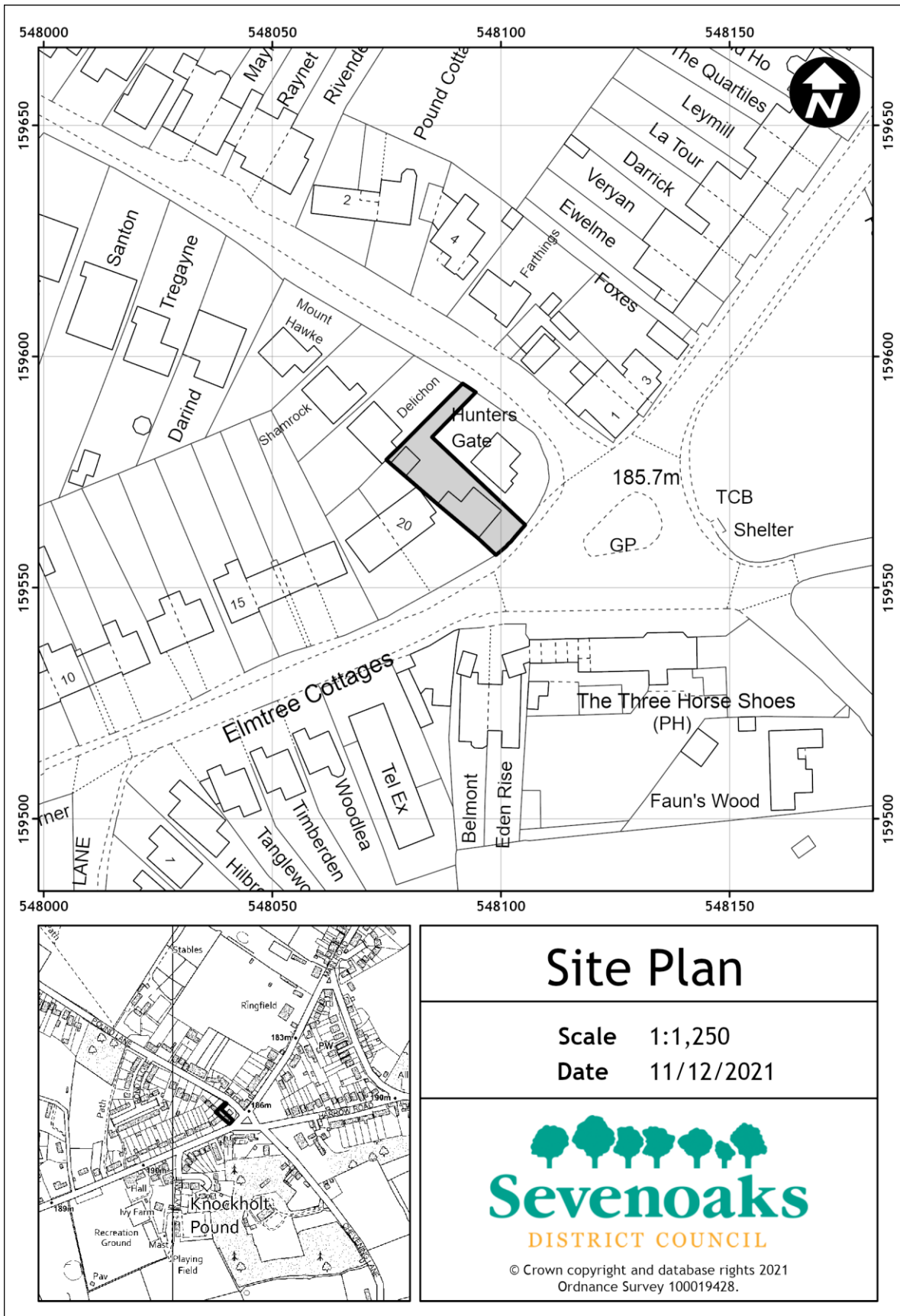
Site and Block Plan

Contact Officer(s): Eliot Froment      Contact: 01732 227000

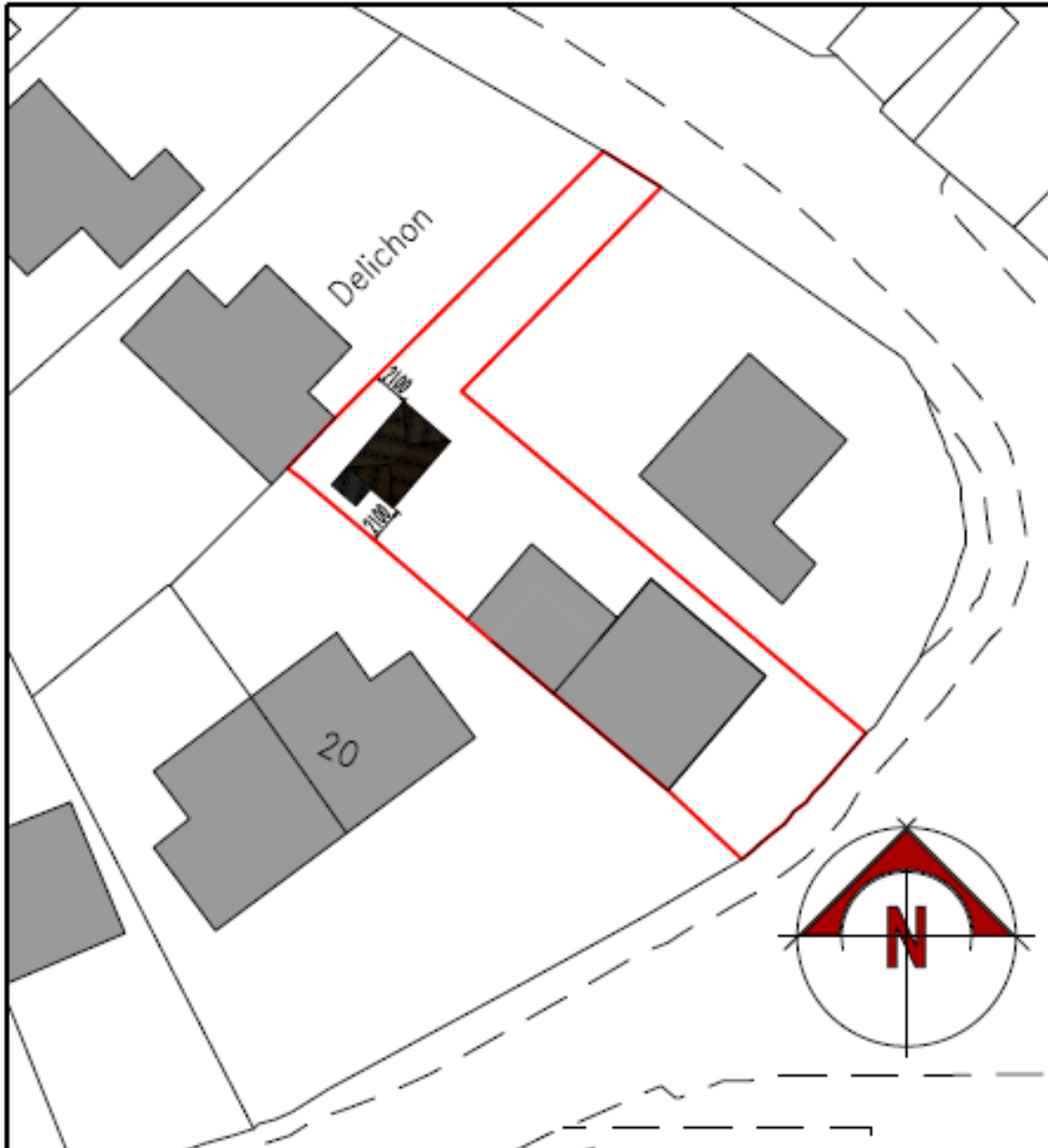
**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



4.5 21/02577/FUL

Revised expiry date 20 December 2021

Proposal: Demolition of existing garages and erection of two x 3 bed dwellings, together with landscaping and parking.

Location: The Lock Up Garages, Lombard Street, Horton Kirby  
KENT DA4 9DF

Ward(s): Farningham, Horton Kirby & South Darent

**Item for decision**

This application has been called into committee by Councillor McGarvey on grounds that the proposal could improve and enhance the Green Belt, village and streetscene, improve road safety, improve the gateway view into the village and help meet housing need.

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

The site lies within the Green Belt where strict policies of restraint apply. The proposal, by reason of its siting, scale, bulk, massing and design, would have a greater impact on the openness of the Green Belt than the existing development. The proposals therefore represent inappropriate development which by definition is harmful to the Green Belt. The Council do not consider that the special circumstances advanced are sufficient to clearly outweigh the harm to the Green Belt and other harm identified. Therefore the proposals would be contrary to Government advice in the form of the National Planning Policy Framework.

The proposed development by reason of its siting and proximity to the boundary of Oak View Stud Farm industrial estate would give rise to poor quality of outlook and external amenity space would result in cramped and oppressive accommodation for future occupiers of the property. As such the proposal would be contrary to Policy EN2 of the Council's Allocations and Development Management Plan 2015.

The proposed houses, by reason of their siting, scale, height, bulk, massing and design, would represent an unduly prominent form of development which would be detrimental to the visual amenities of the street scene and at odds with the character of the area. As such the proposals would be contrary to policy SP1 of the Council's Core Strategy and EN1 of the Council's Allocations and Development Management Plan.

**National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting

## Agenda Item 4.5

solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The application site comprises of a parcel of land, on the eastern side of Lombard Street. The plot sits along the western boundary of Oak View Trading Compound fronting an open field on the western side of the road. The site currently accommodates a group of six small of single storey flat roof garages that spread across the site from its southern boundary to the centre. The units are in use for lock up and garaging purposes.
- 2 Ground level within the site is relatively flat with a gentle west to east incline. However, there is a significant drop in ground level between the application site and the adjacent Trading compound of approximately 2m.
- 3 The site's current use is similar to those on the adjoining site characterised by commercial light industrial and storage uses located to the east and south of the site, neighbouring properties to the north and south-west and fields to the west.
- 4 This application relates only to the southern part of the plot. The northern part of this site is presently under consideration for a separate use.
- 5 The site is located within the parish of Horton Kirby. The application property is located within a Metropolitan Green Belt.

### Description of proposal

- 6 Demolition of existing garages and erection of 2no. 3 bed dwellings, together with landscaping and parking.

### Relevant planning history

- 7 05/02121/OUT: Two semi-detached houses or two detached houses. REFUSE
- 8 21/02310/FUL: Erection of fences around the boundary of the land. GRANT
- 9 21/02578/FUL: Change of use to car park for public and community use. Under Consideration.

### Policies

- 10 National Planning Policy Framework (NPPF)
- 11 Core Strategy (CS)
  - LO1 Distribution of development
  - LO8 The Countryside and the Rural Economy



- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 House Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

12 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking.
- T3 Provision of Electrical Vehicle Charging Points
- SC1 Presumption in favour of sustainable development

13 Other

- Horton Kirby and South Darenth Village Design Statement 2005.

**Constraints**

14 The following constraints apply:

- Green Belt

**Consultations**

15 Horton Kirby & South Darenth Parish Council:

16 Recommended Approval as it will take cars off the road, improve highway safety

17 KCC Ecology:

18 KCC Ecology advise that there are very unlikely to be any protected species utilising the site. They recommend a biodiversity enhancement condition is attached to any granted planning permission.

19 KCC Highways:

20 It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

21 SDC Environmental Health:

22 The applicant will need to provide a phased contaminated land assessment to include a phase 1 (desk top) study and if so identified an phase 2

## Agenda Item 4.5

(intrusive) investigation. If so required a remediation strategy to be agreed in writing by the local planning authority prior to implementation and on completion of any remediation and soil importation a verification report shall be submitted to the local planning authority and agreed in writing prior to any habitation of any dwelling.

- 23 Due to the proximity of commercial activity the applicant should provide a noise assessment to include evaluation to BS8233:2014 and BS4142:2014+A1:2019. The applicant should also address the requirements of paragraph 187 of the National Planning Policy Framework and be mindful of the planning practice guidance on noise. These could be addressed by pre-commencement condition if you are minded to grant permission.

### Representations

- 24 None received.

### Chief Planning Officer's appraisal

#### Policy Background

- 25 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 26 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 27 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

#### Principal Issues

- Principle of development and impact on Green Belt
- Impact on the character of the area
- Impact on residential amenity
- Impact on Parking & Highways
- Impact on Ecology/Trees

#### Principal of Development and impact on Green Belt

- 28 Para 119 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 29 Policy L01 of the Council’s Core Strategy seeks to focus development within existing defined built up areas, whilst policy LO8 of the CS seeks to maintain the extent of the Green Belt and to conserve and enhance the landscape.
- 30 The site lies entirely within the Green Belt.
- 31 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 32 Paragraph 137 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 33 Openness is an essential characteristic of the Green Belt and proposals may have a spatial and visual implication. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development. There may also be a visual as well as a spatial implication.
- 34 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 35 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, there are some exceptions to this. Of particular relevance to this application, this includes:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development;
- 36 The site has formally been used for the lockup/storage and general commercial activities and this represents the lawful use of the land. As such, the plot as existing represents previously developed land.
- 37 It is clear from an assessment of the existing and proposed built forms, that the proposed development would represent a significant increase in footprint, floorspace and overall volume. Furthermore, the maximum height of the new development would be close to triple the height of the existing garages.

## Agenda Item 4.5

- 38 It is noted that assessment of impact on openness is not solely quantifiable in terms of floorspace and volume, but will depend on the way the way that the built form manifests itself on the site.
- 39 The application site measures approximately 537sqm. The proposed dwellings would be contained along the site's southern boundary. It would comprise two, two storey form with large gable sides, set 1m apart from each other. The proposed massing would be set back from the front boundary by approximately 8.8m at its narrowest point and 13.4m at its widest point.
- 40 The existing single storey garages with their flat roofs appear more subordinate within the setting by virtue of their visual form and setting within the site. Their dispersed footprint into the site's centre allows for the existing massing to remain largely screened within its setting. The proposals by comparison, would have a marginally larger footprint and significantly larger, height, bulk and scale that bring it visually closer to the roadside. This would allow for the development to be easily perceived from the public realm. Whilst presence of foliage around the site's boundary is noted. However, it is not considered that their presence would be enough to adequately screen the proposed development's massing.
- 41 The cumulative impact from the form of two substantial units placed side by side would represent an unduly prominent focal point along the street scene. This would be to the detriment of visual connectivity given that it would be visible from the north of south facing long views of Lombard Street. Therefore, the development would constitute a sprawling visual encroachment within the surrounding street scene adversely impacting the perception of openness from the surrounding context.
- 42 It is considered that the proposed development would have a significant impact on the openness of the Green Belt than the existing. This is primarily by virtue of its pulling forward within the site, the introduction of a full second floor and large gabled roof, the creation of a new resident properties outside the confines of the village setting. For this reason, the development is not considered to be appropriate under the first part of para 149g.
- 43 In light of the above, it is my conclusion that the two-storey houses proposed would have a materially greater impact on the openness of the Green Belt than the existing development.
- 44 The proposals therefore represent inappropriate development and are harmful to the maintenance of the Green Belt in principle. Furthermore, as described above, they would also be harmful to the openness of the Green Belt.
- 45 Any case for Very Special Circumstances will be considered further below.

### Impact on Character of Area

- 46 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 47 The application site is located within the immediate proximity of an industrial compound that sits within an otherwise rural setting. The rural setting is characterised by large irregular fields, narrow rural lanes and sporadic residential development. The commercial area is characterised by large stacks of metal containers, and a mixture of corrugated sheet and tiled roofs and brick-built structures.
- 48 Viewed from the public highway the larger commercial buildings to the south of the site and buildings on raised ground level land to the north are dominant features. However, the structures immediately to the rear of the site are lower level. The site itself appears relatively open, as the flat roof garages have little impact on the wider street scene. Set within this context, I consider the introduction of the 2-storey houses proposed would appear at odds to the scale and nature of the surrounding development.
- 49 Furthermore, residential development in the area has a rural character, with the pallet of materials comprising brick, slate roofs and the occasional render with hipped roofs, reflecting more traditional rural vernacular. In contrast, the proposed dwellings would have a simple design of rendered block work, uPVC windows, and bandings of brick detailing. It is considered that this palette of materials would not be reflective the development immediately adjacent to the site or nearby within the village setting. As such, the design and materials proposed would appear visually at odds with the setting of the site. The proposed development would appear more visually incongruous within the surrounding Metropolitan Green Belt Area.
- 50 The proposed development is not therefore considered in keeping with the character of the area and would fail to comply with policy EN1 of the ADMP.

### Impact on Residential Amenity

- 51 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.
- 52 Given that the proposed development's location at the edge of Oak View Industrial compound, it would be sufficiently set away from residential properties. Therefore, it is not considered that the proposed development would give rise to adverse overlooking, loss of outlook impact or loss of daylight, sunlight.
- 53 Given its modest scale within its setting, the proposed change of use to residential would not result in significant increase the noise levels within the surrounding area.

## Agenda Item 4.5

- 54 With regard to the potential impact on the occupiers of the proposed houses, given the development's siting within close proximity of noise emitting business activities at the adjacent Oak View Trading Compound, it is considered that future occupiers would likely be impacted by irregular noise impact. However, it is considered that the impact can be sufficiently mitigated design details of which can be secured by condition had this application been considered for approval.
- 55 The unit would benefit from dual aspect outlook to its front and rear, it would provide sufficient car parking space per unit. The proposed internal layout would be acceptable.
- 56 However, outlook to the rear would be the eastern boundary of Oak View industrial compound which has several stacked container storages, and a retaining wall. Similarly the rear garden areas of both properties would be enclosed by the boundary wall of Oak View industrial compound. As a consequence of the difference in ground level between the site and the adjacent industrial property, the siting of the houses in close proximity to the boundary wall, which would be approximately 3m in height, the siting of the building would result in a restricted outlook and poor quality amenity space. Thus the relationship with the neighbouring commercial use would be an uncomfortable one. Overall, it is considered that the reduced levels of residential amenity would be contrary to policy EN2 and paragraph 187 of the NPPF 2021.

### Impact on Parking and Highways

- 57 Policy T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. The proposed new residential units will not benefit from any designated parking spaces.
- 58 The proposed unit would benefit from two parking spaces per unit, located within a communal front garden area. Access to the site and would retain sufficient space on the driveway to the front to park two cars independently. Two cars are the maximum requirement for a dwelling of this size in this location in accordance with Policy T2 of the ADMP and therefore the proposal complies with the Council's parking requirements. As such the proposed development is acceptable in terms of its access and the parking provision.

### Impact on Ecology/Trees

- 59 The proposed development includes an increase in soft landscaping within the development. The details of these works and the materials that the hardstanding will be constructed from have not been provided and therefore a condition requiring details of the proposed landscaping to be submitted to the Council will be attached to any permission granted.
- 60 Subject to the attachment of these conditions I am satisfied that the proposed development can be constructed without having a detrimental

impact upon the surrounding trees. Consequently, the proposal accords with policy EN1 of the ADMP.

### Community Infrastructure Levy (CIL)

- 61 The proposals are CIL liable.

### Very Special Circumstances

- 62 Para 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is *clearly* outweighed by any other considerations.
- 63 The harm has been identified above as the harm to the Green Belt in principle and the harm to the openness of the Green Belt. There would also be harm to the amenities of potential occupiers of the new houses.
- 64 The applicant has sought to demonstrate very special circumstances, firstly on grounds that the council are currently unable to demonstrate a five-year supply of housing and secondly the public benefit through the provision of 18 car parking spaces on the northern parts of this site (as part of application 21/02578/FUL which is being considered separately to this application). Given that the land to the north does not form part of this planning application, it would be assessed separately on its own individual merits.
- 65 It is noted that the applicant has not submitted a sufficient evidence based assessment to demonstrate that the overall benefit of the proposed car parking spaces would outweigh the proposed harm to the openness of the Green Belt.
- 66 I have therefore given only limited weight to any benefit, which may arise from the provision of parking on the adjacent land.

### Conclusion

- 67 In light of the above, it is my conclusion that the proposals represent inappropriate development and is, by definition, harmful to the maintenance of the Green Belt. In addition, by reason of the increase in height, bulk, massing and scale the proposed houses would also be harmful to the openness of the Green Belt. The very special circumstances advanced do not clearly outweigh the harm to the Green Belt and other harm identified.
- 68 The proposed development by reason of its scale, height, bulk, massing and design would adversely impact the street scene and because of the relationship with the adjacent Oak View Industrial compound would fail to sit comfortably within its setting, giving to poor quality of outlook, and external amenity space to the detriment of future occupiers. As such the

## Agenda Item 4.5

proposal is contrary to Policies EN1 and EN2 of the Allocated development management Plan.

69 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. However, in this instance, as the development is situated within the Green Belt the policies of the NPPF for the protection of the Green Belt provide a clear reason for the refusal of planning permission in terms of NPPF paragraph 11d) i). While the proposals would provide two additional housing unit, this benefit is not outweighed by the harms arising from the development.

70 I therefore recommend the application be **REFUSED**

### **Background papers**

Site and block plan

Contact Officer(s):

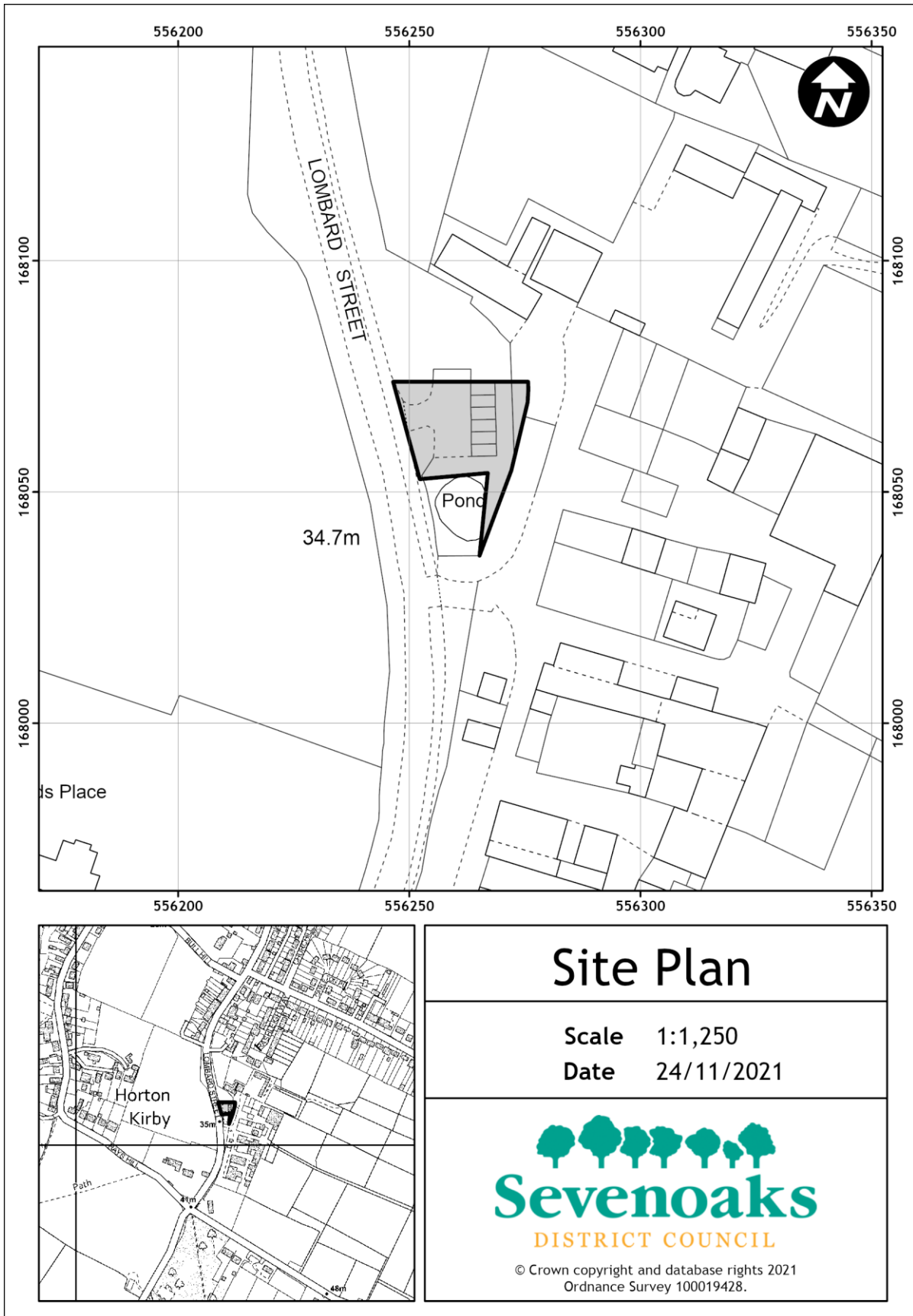
Joshua Ogunleye: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)





# Site Plan

Scale 1:1,250  
Date 24/11/2021



© Crown copyright and database rights 2021  
Ordnance Survey 100019428.

BLOCK PLAN



Planning Application Information on Public Access - for applications coming to  
DC Committee on Thursday 6<sup>th</sup> Jan 2022

**4.1 21/01388/FUL - Land South Of 1 Singles Cross Cottages, Blueberry Lane,**

[Link to application details:](#)

[Link to associated documents:](#)

**4.2 21/03403/HOUSE - Edenwood, Swan Lane, Edenbridge KENT TN8 6AT**

[Link to application details:](#)

[Link to associated documents:](#)

**4.3 21/02355/FUL - Blueberry Farm, Blueberry Lane, Knockholt, KENT TN14 7NH**

[Link to application details:](#)

[Link to associated Documents:](#)

**4.4 21/03346/LDCPR - Aberdeen House, Main Road, Knockholt, KENT TN14 7JD**

[Link to application details:](#)

[Link to associated documents:](#)

**4.5 21/02577/FUL - The Lock Up Garages, Lombard Street, Horton Kirby, KENT DA4 9DF**

[Link to application details:](#)

[Link to associated documents:](#)

This page is intentionally left blank