

04 January 2024 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 20.12.23

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# Development Management Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Horwood

Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winsor, Esler, Harrison,

Hogarth, Hudson, Malone, Manston, Purves, Silander, Skinner, Varley and Williams

## 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 7 December 2023 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>23/00505/FUL - Land North West Of Little Browns Railway Bridge, Hilders Lane, Edenbridge Kent</b>  Solar photovoltaic farm use for a period of 40 years, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, external transformers, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gate, temporary	(Pages 1 - 30)	Anna Horn Tel: 01732 227000

construction compound and all ancillary grid infrastructure and associated works.

- 4.2 **23/02344/FUL - Chance Cottage , 104 Oakhill Road, Sevenoaks Kent TN13 1NU** (Pages 31 - 46) Anna Horn  
Tel: 01732 227000

Erection of 2 dwellings with detached garages, extension to existing dwelling and associated works.

- 4.3 **23/02516/FUL - Singles Cross Farm , Singles Cross Lane, Knockholt Kent TN14 7NG** (Pages 47 - 74) Hayley Nixon  
Tel: 01732 227000

Conversion of an existing barn to a 4 bedroom dwellinghouse incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, and creation of a new vehicular access. Removal of caravan and store unit.

#### 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 Friday, 29 November 2023.

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).

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4.1 23/00505/FUL

Revised expiry date 5 January 2024

Applicant:

Kybo (Gaywood) Solar Farm

Proposal:

Solar photovoltaic farm use for a period of 40 years, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, external transformers, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gate, temporary construction compound and all ancillary grid infrastructure and associated works.

Location:

Land North West Of Little Browns Railway Bridge, Hilders Lane, Edenbridge Kent

Ward(s):

Edenbridge North & East

### ITEM FOR DECISION

The application has been called to Development Control Committee by Councillor Morgan on the grounds of flood risk and traffic flow.

**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 hereby approved is for a period of forty operational years from the date that electricity from the development is first exported to the National Grid for commercial operation; or within two years of the cessation of the exportation of electricity to the grid, whichever is the sooner. No later than three months before the cessation of the development a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of the solar farm, along with the measures, and a timetable for their completion (to be completed within 12 months from cessation of the export of energy to the grid), to secure the removal of the solar farm equipment and all associated road, equipment and structures in accordance with the Decommissioning Method Statement.

In order to ensure that the approved development does not remain on site beyond the projected lifetime of the equipment installed in the interests of the visual amenity and character of the surrounding area in accordance with Policies SP1, LO8 of the Sevenoaks Core Strategy and Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

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3) Within 21 days of the first exportation of the electricity generated from the site to the National Grid, notification shall be written to and acknowledged in writing by the local planning authority.

In order to allow the Local Planning Authority to adequately monitor the time scale of the development and for the avoidance of any doubt.

4) No development shall take place until a Construction and Traffic Management Plan (CTMP) shall be submitted to and approved by in writing by the local planning authority. The CTMP should include the details contained within the outline CTMP dated 23/01/23 prepared by Neo Environmental in technical appendix 5 and the details in the Further Transport Information dated 16/10/2023 prepared by Locogen, as well the following additional information; - Full details of the location of wheel washing facilities; - Details of street sweeping; - Detailed construction schedule to include the avoidance of HGV movements during peak times and to prevent two HGV deliveries at one time; - Details of the delivery booking system and delivery management; - Details of traffic management to avoid traffic stacking of heavy goods vehicles on local roads; - Details of site operation hours during construction and decommissioning; - Routes for construction traffic; - Temporary signage and its location in relation to the agreed routing details to and from the site; - Process for the prior notification of local residents of the intended delivery of any exceptional loads such as long low loaders or over hung vehicles along with contractor contact details; - Details of the Community Liaison Group to ensure local residents are kept informed of the detailed CTMP measures and provide a contact point for project enquiries. The approved plan/statement shall be adhered to throughout the construction period thereafter.

In the interests of highway safety, neighbouring amenity and visual amenity as supported by Policy EN1, EN2 and T1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall commence until a full condition survey of the existing roads 200m either side of the site access which form part of the construction traffic route, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this will require agreement with the local highway authority to identify any existing damage on the existing public highway with each defect and its location being mapped on a plan for the area. Within three months of construction finishing, a post construction condition survey will then be required across the same extent of adopted highway in order to identify and agree with the local planning authority any remedial works reasonably attributable to construction activities. Any identified highways defects resulting from construction activities will then be corrected to the satisfaction of the local planning authority and local highway authority.

In the interests of highway safety and visual amenity as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: 1) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; 2) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; 3) A

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programme of post excavation assessment and publication. The works shall be carried out in accordance with the approved details.

To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated, in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority, in consultation with Network Rail and Kent as Lead Local Flood Authority. The detailed drainage scheme shall include details of site infiltration testing and shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove not to be practical then any surface water leaving site shall not exceed the existing greenfield run off rate for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall be carried out in accordance with the approved drainage strategy.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8) Prior to the first use of the site, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

9) Prior to the commencement of works, a Biodiversity Method Statement which details all precautionary mitigation methods to be implemented for the protection of protected and priority habitats and species will be submitted to and approved in writing by the Local Planning Authority. The method statement will be based on the information within Technical Appendix 2 Ecological Assessment and Appendices 2D and 2E by Neo Environmental dated February 2023, the Further Ecological Information Note by LocoGen dated October 2023, and the Great Crested Newt Risk Assessment by LocoGen dated October 2023. The method

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statement shall also include details of an updated site walkover to be undertaken prior to works commencing to confirm that the condition/management of the onsite habitats is consistent with that recorded during the ecological assessment, such that the potential for protected species to occur has not changed and to identify any additional badger setts. Should new setts be identified during the pre-works walk over and/or monitoring during the construction period, all required surveys and mitigation/licensing will be implemented prior to further works being undertaken in the vicinity of the sett/s. The Biodiversity Method Statement will be submitted to the local planning authority for written approval, and subsequently implemented as approved.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Core Strategy.

10) No development shall take place until a construction environment management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall incorporate pollution control measures detailed within Technical Appendix 2 Ecological Assessment by Neo Environmental dated February 2023 and will incorporate the Biodiversity Method Statement submitted under Condition 9. Details will include the following: a) Purpose and objectives for the proposed works; b) Reference to the Biodiversity Method Statement; c) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs; c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives; d) Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats; e) Reference to any Environment Agency permits required and any relevant mitigation measures required; f) Method statement for the control of the invasive species Himalayan balsam, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species; i) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees; j) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; k) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/ oversee works; l) Initial aftercare and reference to a long-term maintenance plan (where relevant); m) Disposal of any wastes for implementing work. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

11) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to and be approved in writing by the local planning authority. The content of the LEMP will be based on the information within the Biodiversity Management Plan and Technical Appendix 2E by Neo Environmental dated February 2023 and the Landscape and Ecological Management Plan Drawing prepared by Neo Environmental dated March 2023. The LEMP will include the following: a) Description and evaluation of features to be managed, including control of invasive species; b) Constraints on site that might influence management; c) Aims and objectives of management, in alignment with the Biodiversity Net Gain habitat type and condition targets; d) Details of additional biodiversity enhancements to be provided; e) Details of proposed locations for, and long term management of, skylark plots within the wider land ownership; f) Appropriate management prescriptions for achieving aims and objectives; g) Information regarding remedial measures; h) Preparation of a work schedule; i) Measures to be implemented to ensure habitat connectivity for protected and priority species; j) Precautionary measures to be followed during operation with regard

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to protected species; k) Details of a long-term monitoring program for all habitats (in accordance with the BNG targets) and for protected/priority species including breeding birds, bats, hazel dormouse, badger, reptiles, otter, water vole and invertebrates. A timetable for monitoring surveys will be included, with the first year post-construction to serve as a baseline; l) Details of the body or organisation responsible for implementation of the plan. The LEMP will include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

12) Copies of the habitat and species monitoring survey reports will be submitted to the Local Planning Authority for review in years 2, 5, 10, 20 and 30. These will include details of, and a timetable for, any required remedial measures.

In the interests of safeguarding biodiversity on the site in accordance with policy SP11 of the Sevenoaks Core Strategy.

13) Prior to the commencement of construction works, visibility splays of 50 metres x 2.4 metres x 50 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays shall be provided and thereafter maintained.

In the interest of highway safety.

14) Within two months of the commissioning and operation of the site, a monitoring noise assessment measuring the noise from the transformers, inverters and equipment on the site shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the noise from the site does not have an adverse impact on nearby dwellings. The assessment should be undertaken within two months of commissioning, and should a loss of amenity be identified to nearby dwellings, then noise mitigation should be provided and implemented to eliminate the excess noise and thereafter retained, details of which shall be submitted to and approved in writing by the Local Planning Authority.

To ensure the development does not cause harmful noise pollution to nearby residential receptors and to monitor noise from the site once operational. In accordance with policy EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

15) The landscaping and planting works shall be carried out in accordance with the Landscape and Ecological Management Plan, reference NEO00936\_0291\_D, and in accordance with the implementation schedule as detailed on this plan. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

To protect the amenities of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

17) Prior to the installation of the solar panels, details of a crime prevention strategy shall be submitted to and approved in writing by the local planning authority. The development shall accord with the approved details and implemented prior to its first operational use.

To maintain the integrity and character of the area and designing out crime as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

18) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing, details of the position, height, design, beam orientation, measures to control light spillage and intensity of illumination. Only the approved details shall be installed. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

To maintain the integrity and character of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

19) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 8195-DRW-DES-0014-Location Plan-v1.0, DES-0001, 0002, 0003, 0004, 0005, 0006, 0007, 0008, 0009, 0010, 0011, 0012, 0013, 0015 and NEO00936\_0261\_D.

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

Informatives:

1. Lead Local Flood Authority Advisory: KCC emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.

2. **Chemicals & Fuel Storage:** Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
  
3. **Highways Informative:** It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

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Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

### Description of site

- 1 The site relates to an agricultural grassed field, located to the north west of Hilders Lane. The site is flanked by railway lines to the east and south of the site, and is adjacent to the neighbouring authority Tandridge District which lies to the west and north of the site. The site boundaries are marked by mature landscaping and trees, with clusters of trees to the north, east and south of the site. The Kent Brook watercourse runs along the north and west boundary.
- 2 The site covers approximately 12.4 hectares within an agricultural and rural landscape, with clustered residential developments to the east and south. The application site lies on gently sloping ground and comprises a large grassland field. The surrounding context comprises a rural setting of undulating wooded farmland. The site itself does not lie in any national or local landscape designations but does lie within the Green Belt.

### Description of proposal

- 3 Permission is sought for the construction of a solar photovoltaic farm for a period of use comprising 40 years. The proposals comprise PV panels mounted on metal frames, a new access track, substations, inverter substations, external transformers, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gate, temporary construction compound and all ancillary grid infrastructure and associated works.

### Relevant planning history

- 4 22/01945/FUL - Solar photovoltaic farm use for a period of 40 years, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, transformer enclosures, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gates, temporary construction compounds and all ancillary grid infrastructure and associated works. No decision issued (larger scheme, which extended across the District boundary with Tandridge District).
- 5 TA/2022/963 - Solar photovoltaic farm, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, transformer enclosures, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gates, temporary construction compounds and all ancillary grid infrastructure and associated works. Refused by Tandridge District Council.

### Policies

#### 6 National Planning Policy Framework (NPPF)

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.

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.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

#### 7 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Construction and Low-Carbon Energy Generation
- LO8 Rural Economy and Countryside
- LO6 Development in Edenbridge
- SP11 Biodiversity

#### 8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- T1 Mitigating Travel Impact

#### 9 Other

- Development in the Green Belt SPD
- Sevenoaks Landscape Character Assessment SPD
- National Planning Policy Guidance (NPPG)
- National Policy Statement(s) for Energy (including drafts)
- Community Infrastructure Levy Regulations

### Constraints

10 The following constraints apply:

- Green Belt
- Flood Zone 2 and 3 on north and west boundary
- Area of high surface water flood risk on north and west boundary

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### Consultations responses

- 11 Edenbridge Town Council – Members support the application.
- 12 Limsfield Parish Council – Objection due to concerns regarding landscape character, Green Belt, heritage, flood risk and loss of agricultural land.
- 13 National Highways – No objection, proposal will not materially affect the safety, reliability and/or operation of strategic road network.
- 14 KCC Highways – No objections, recommends conditions regarding visibility splays, haulage route and road condition survey.
- 15 Surrey Roads – No objections, the impacts on the public highway can be mitigated to a sufficient degree that it falls below the bar of ‘severe’ impacts, recommends a Construction Transport Management Plan be secured by condition.
- 16 Lead Local Flood Authority – No objections, recommends conditions regarding detailed surface water drainage scheme and a verification report.
- 17 Environment Agency – No objections, recommends conditions regarding flood risk and contaminated land.
- 18 Environmental Health – No objections, recommends condition regarding noise monitoring once development is operational.
- 19 Tree Officer – No objections, notes planting on drawing number NEO00936\_0291\_D which is acceptable.
- 20 Urban Design Officer – No objections.
- 21 Natural England – No objections, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 22 Network Rail – No objection, the applicant has engaged with the Asset Protection Team and conditions regarding site infiltration testing and a detailed drainage design are suggested.
- 23 KCC Archaeology – No objection, recommends condition regarding archaeological investigations.
- 24 KCC Ecology – No objections, sufficient information has been provided, recommends conditions regarding a biodiversity method statement, construction environmental management plan, landscape and ecological management plan and biodiversity monitoring.
- 25 Southern Water – No objection.
- 26 Kent Police – No objections, request a crime prevention statement be secured by condition. Comments regarding access, movement, surveillance, security, management and maintenance.

**Representations**

- 27 Over the three consultation periods, a total of 133 public comments have been received. These are broken down below:
- 28 Sixty (60) public comments received supporting the proposal, raising the following points (in order of times raised):
- Climate crisis and climate change (raised 47 times)
  - Benefit to wildlife and biodiversity (raised 45 times)
  - Benefit to local people, for example through investment to the local area (raised 43 times)
  - Reduce reliance on non-renewable energies (raised 42 times)
  - Energy crisis and cost of living crisis (raised 41 times)
  - Agricultural use will remain (raised 39 times)
  - Need for renewable energy supply (raised 15 times)
  - Will not affect longer views in landscape, site is not in AONB (raised 6 times)
  - Poorly performing agricultural land (raised 4 times)
  - Disruption from construction is short term (raised 3 times)
  - No increase to flood risk (raised 2 times)
  - Little impact once operational (raised 2 times)
  - Need for farms to diversify due to economic pressures (raised 1 times)
- 29 Seventy three (73) public comments received objecting to the proposal, raising the following concerns (in order of times raised):
- Impact of heavy lorries along local roads during construction and concerns with the haul route (raised 46 times)
  - Impact of flooding and concerns over flood risk (raised 40 times)
  - Impact on other highway users, for example walkers, cyclists and horse riders (raised 29 times)
  - Impact on landscape and public amenity, including concerns regarding AONB and SSSI (raised 22 times)
  - Ecology and impact on wildlife (raised 20 times)
  - Loss of agricultural land and food security (raised 18 times)
  - Damage to roads (raised 12 times)
  - Impact on Green Belt (raised 10 times)
  - Concerns regarding site access and safety (raised 10 times)
  - Noise impact (raised 7 times)
  - Other locations that are more suitable, for example brownfield sites (raised 7 times)
  - Traffic congestion (raised 6 times)
  - Visual impact on neighbours (raised 4 times)
  - For private interest and money (raised 4 times)
  - Lack of Very Special Circumstances (raised 3 times)
  - Suggesting alternative haulage routes (raised 3 times)
  - Solar does little to address energy problems / limited provision of electricity (raised 4 times)
  - Lack of local benefit (raised 2 times)
  - Impact on listed farmstead and heritage concerns (raised 2 times)
  - Impact on adjacent railway line (raised 2 times)
  - Long term maintenance of flood and SUDs features (raised 2 times)
  - Lack of community engagement (raised 2 times)

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- Devaluing properties nearby (raised 1 time)
- Loss of trees and screening (raised 1 time)

### Chief Planning Officer's appraisal

30 The main planning considerations are:

- Principle of development
- Best and Most Versatile (BMV) Agricultural Land
- Impact upon the Green Belt
- Impact to the character and appearance of the area
- Heritage Assets
- Impact to existing neighbouring amenity
- Highways
- Flood Risk
- Ecology
- Planning balance
- Other Issues

### Principal of development:

31 Full planning permission is sought for the construction of a 10.7MW solar farm on approximately 12.4 hectares of land with associated access and electrical infrastructure. The site is located within the Green Belt.

32 The overarching aim of the planning system is to contribute to the achievement of sustainable development i.e. "meeting the needs of the present without compromising the ability of future generations to meet their own needs". This can be achieved through economic, social and environmental means. Moving to a low carbon economy, mitigating and adapting to climate change and using natural resources prudently fall under the environmental objective.

33 There is a strong national and international agenda to reduce CO2 emissions through the generation of energy from renewable sources.

34 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

35 Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

36 Paragraph 013 Reference ID: 5-013-20150327 of the National Planning Practice Guidance is of most relevance to the proposals. This sets out a criteria of significant planning considerations that relate to large scale ground-mounted solar photovoltaic farms and states that:

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a

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well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

37 In addition, National Guidance recognises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

38 The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

39 On 12 June 2019 the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target, thereby constituting a legally binding commitment to end the UK’s contribution to climate change. In response to the Committee on Climate Change’s report, in June 2019 the UK became the first country to declare a climate emergency and legislate long-term climate targets. This legislation led to the amendment of the Climate Change Act 2008, introducing a legally binding target to achieve ‘net zero’ by 2050. The pathway to net zero is now firmly enshrined in the UK’s statutory and policy provisions.

40 The National Infrastructure Strategy – Fairer, Faster and Greener (November 2020), sets out the UK Government’s plans to deliver on its ambition to ‘deliver an infrastructure revolution’ a radical improvement in the quality of the UK’s

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infrastructure to help level up the Country, strengthen the Union and put the UK on the path to net zero emissions by 2050.

- 41 Energy White Paper (December 2020). The White Paper's goal is for a shift from fossil fuels to clean energy.
- 42 The above documents outline the immediate and pressing need for deployment of renewable energy generation in the UK. It is clear that solar PV development is recognised by the Government as a key part of the UK's transition to achieving a low carbon economy. The direction of both international and national policy is to increase the amount of energy produced from renewable sources.
- 43 In addition to the above, the Council is committed to work towards achieving net zero carbon emissions for the Council and its assets by 2030 and also work with local communities to reduce carbon emissions within the District and to improve the resilience of the District to a changing climate. A Net Zero 2030 Action Plan has been adopted by the Council, also expresses that the Council would support the use of renewable energy technologies and opportunities both large and small scale.

### Best and Most Versatile (BMV) Agricultural Land

- 44 The area of land related to the proposal is classified as 3b land and therefore does not constitute Best and Most Versatile Land, which is classified as Grade 1, 2 and 3a in the Agricultural Land Classification (ALC) system.
- 45 The Agricultural Quality Assessment (AQA) submitted by the applicant identifies three principle soil types on the site which form agricultural land of subgrade 3b quality. The AQA identifies that a principle limitation to agricultural use of the land is soil wetness associated with flood risk, which has been identified as a factor on this site as parts of the north and western boundaries adjacent to existing watercourses lie in flood zone 2 and 3. In light of this, the AQA concludes the site is 'moderate quality agricultural land'. The AQA outlines that 98% of the land is classed as subgrade 3b land and 2% is non-agricultural land (existing farm access tracks).
- 46 The land is currently used for the grazing of sheep. It is intended that for the 40 years of the generating solar farm operation, the grass below the solar arrays would continue to be grazed by sheep and therefore support agricultural production. The land would remain in agricultural use and would not entail the loss of BMV agricultural farmland.
- 47 The cessation of the development after 40 years of operation and reinstatement of former use is a matter that can be controlled by the imposition of a condition. As such, the development would not result in the permanent loss of farmland and the land would continue to be grazed by livestock for the duration of the operational period of the solar farm. Overall, it is considered that the proposal would not have a significant effect on agricultural productivity in the District, or more widely in Kent.

### Impact on the Green Belt

- 48 As set out in paragraph 147 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

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- 49 Paragraph 148 of the NPPF advises substantial weight should be 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 other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 50 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 51 Paragraph 151 of the NPPF confirms that, most renewable energy projects will constitute inappropriate development and that very special circumstances will be required. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 52 Upon considering paragraph 151 of the NPPF, the proposed development is not appropriate within the Green Belt and is by definition harmful to the Green Belt. Therefore a case of very special circumstances is required and will be assessed further in the planning balance section of the report.

### **Impact on the character and appearance of the area**

- 53 The National Policy Statement (NSP) for Energy (EN-1 and EN3 2011) sets out projects that are to be considered by the NSIP process (Nationally Significant Infrastructure Projects) – which this application is not, the September 2021 draft update to NPS EN-3 contains more specific support and guidance for Solar Farm development as part of the government’s strategy for low cost decarbonisation of the energy sector. Paragraph 2.48.12 relates to the siting of such developments and notes that:

“The applicant may choose a site based on nearby available grid export capacity. Locating solar farms at places with grid connection capacity enables the applicant to maximise existing grid infrastructure, minimise disruption to local community infrastructure or biodiversity and reduce overall costs. Where this is the case, consideration should be given to the cumulative impacts of siting a solar farm in proximity to other energy generating stations and infrastructure”.

- 54 Paragraph 2.51.2 of the draft update to NPS EN-3 relates to the prospective Landscape Impacts of solar farms and explains that:

“The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure. However, whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

- 55 Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in

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the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 56 Policy LO8 of the Core Strategy states that “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.”
- 57 The site lies some 1.2km from Edenbridge and is located in open countryside within the Green Belt. The site lies within the Sevenoaks Low Weald character area as identified in the Sevenoaks Landscape Character Assessment. The document identifies sensitive and valued characteristics for the landscape which development should conserve and enhance. The listed guidance particularly relevant to the site include retaining historic field patterns, conserving areas of woodland and ponds for historic records and biodiversity.
- 58 The siting and design of the proposed development has involved an iterative process, taking into account landscape constraints and opportunities and looking to minimise any adverse impacts wherever possible. The applicant has submitted a Landscape Visual Impact Assessment (LVIA) with the application to determine the impacts of the development upon the landscape and nearby receptors.
- 59 The site lies on gently sloping ground, with the highpoint of the site lying towards the eastern corner, with most of the site gently undulating and falling gradually to the west. The site comprises a large grassland field and the surrounding context comprises a rural setting. The fields that surround the application site are mostly enclosed by mature landscaping and tree belts that are characteristic in this landscape setting, providing structure and containment.
- 60 There is the Kent Brook watercourse to the north and west of the site, and railways lines to the east and south. The LVIA identifies the southern boundary as being more open. The wider landscape setting is defined by undulating wooded farmland with grassland fields bound by hedgerows, tree belts and woodland, with larger areas of woodland to the west. Within the wider locality there are public rights of ways (PRoWs), specifically to the southwest and northwest of the site which may offer intermittent views into the application site.
- 61 The site itself does not lie in any national or local landscape designations. To the north and west of the site, within Tandridge District area, the landscape is covered by the locally designated Area of Great Landscape Value (AGLV). This acts as a buffer to the Surrey Hills AONB and to protect views to and from the AONB. The LVIA identifies that the site has a medium sensitivity to this development type, and the landscape value is assessed as medium. The proposed development locates solar arrays within the existing field structure, away from existing hedgerows and PRoW, maintaining existing buffers to allow vegetation to mature.
- 62 Deer fence on wooden poles of up to 2m high is required around the site parameter and security cameras would be intermittently located on 3m high poles for site security. No external lighting is proposed but manual lighting may be attached to the substation and equipment cabinets in the event of emergency maintenance work during hours of darkness.
- 63 The solar panels would be no more than 3m in height. The LVIA identifies this as a relatively low height that can be screened by existing and proposed landscape features and planting. The height of the infrastructure buildings will in part be 3.2m

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and the substation which will be 4m in height. As such, the solar arrays, while having limited vertical emphasis, would have a significant horizontal emphasis. The array and associated infrastructure would have a functional and somewhat, linear/monotonous appearance, given the solar panels would be mounted on long racks stretching across the site. The proposed development would have a very functional appearance. However, this is considered to be unavoidable, given the scale of the proposed solar generating farm and the need to capture as much of the available solar energy for conversion into electricity.

- 64 It is considered that effects on landscape character and visual amenity would primarily be confined within the site and immediately adjacent areas, with negligible effects for the wider area beyond the site. That is because the site benefits from the existing topography, intervening hedgerows and mature treed boundaries and tree belts. The development would also be limited vertically, with the solar arrays having a maximum height of 3m and the other buildings and structures, primarily associated with the provision of the substation, being no taller than 4m. The relatively low height of the solar farm would serve to reduce its effect on the area's landscape character and the visibility for receptors beyond the site.
- 65 Moreover, the design of the scheme has incorporated landscape and visual effects to ensure any visual landscape impacts are limited. The array is located in a single field, set back from northern and western boundary fringes. Mitigation includes areas of informal woodland shaw edge planting, which is characteristic of the surrounding landscape. The proposed planting would reflect existing landscape elements and the character of the area, and would tie in with existing vegetated boundaries of the site, helping in screening the clear views of the panels from the southwest.
- 66 The LVIA identifies the direct landscape effects as modifying the prevailing pastoral land use to a pastoral use which also incorporates renewable energy generation. The solar layout has been designed to retain existing vegetation and no notable or mature landscape features or trees will be removed. A small section of hedgerow (5m) adjacent to the existing field access would be removed but this is proposed to be replaced upon completion of construction. As such, the LVIA notes that effects are considered to be relatively localised to the application site boundaries and from localised points of orientation to the southwest, typically within 400m. From other points to the southeast, east, north and west views, the effects are restricted by woodland, tree belts and existing land cover patterns.
- 67 The LVIA outlines that from the southwest the proposed development would be seen from isolated close range points with views in the short term to the western edge of the site. However the extent of development at this point would be limited to a section of the panels on the western site edges between wooded field boundaries and the views from here would be isolated and can be mitigated in the longer term by the mitigation planting proposed.
- 68 The proposed solar farm retains the existing field pattern through the retention of existing hedge and trees lines. The existing treeline dividing the fields in the south-eastern corner of the site has historically marked the edge of woodland called Batchelor's Wood shown on maps dating to the late 1800s therefore it is important this tree line is maintained to conserve the historic enclosure pattern and woodlands in line with Landscape Character Assessment SPD, as the proposal demonstrates.
- 69 In the medium to longer term the proposed mitigation planting would aid in screening the development along the western and southern boundaries, as well as integrating

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the development into the surrounding landscape with new contributions to landscape character. The solar farm would be operational for 40 years and after this the land will be returned to its former use.

- 70 The LVIA looks at the likely effects from wider range viewpoints surrounding the site. It concludes that beyond the site boundaries to the north, east, northwest and beyond 400m to the southwest, the scale of effects reduces to no more than 'minor', particularly once the mitigation planting along the more exposed western boundaries and gapping up of vegetation of other field boundaries has matured. Outside these areas, the development would largely be screened from wider visual receptors by the strong wooded pattern of land cover within the landscape and the low levels of visibility, particularly from publicly accessible locations. At the end of the development lifespan, the predicted effects are reversible as the land would be returned to its former agricultural use, similar in form to its current state.
- 71 It is noted that Tandridge District Council refused planning permission for a larger solar farm that occupied 24 hectares in total covering both Sevenoaks and neighbouring Tandridge land. This application was refused by Tandridge partly due to identified landscape harm. The site on the Tandridge side is more constrained, with an identified Area of Great Landscape Value and the Surrey Hills AONB nearby. This decision has been reviewed and considered as part of this assessment. However, under this application, the site occupies a much reduced area and is not constrained by any formal landscape designations. The site on the Sevenoaks side alone is further separated from the Surrey Hills AONB, sited some 1.93 miles from this AONB and approximately 1mile from the Kent Downs AONB at the closest point to the north. The site occupies a reduced area and is considered well screened in terms of wider landscape views due to the topography and boundary treatments. Moreover, the applicant is now proposing further mitigation planting on the western site boundary that is closest to neighbouring land in Tandridge. The reduced site area and enhanced mitigation planting is considered to be acceptable.
- 72 Overall, it is considered that the effects on landscape character and visual amenity beyond the site would be mitigated to an acceptable level through the reinforcing of hedgerows and additional landscaping/planting. In terms of the avoidance of significant harm to landscape character and visual amenity of the area beyond the site, the conclusions of the submitted LVIA is agreed and it is considered that there would be no conflict with the provisions of paragraph 158 of the NPPF, paragraph 13 (Reference ID: 5-013-20150327) of the Renewable and Low Carbon Energy section of the NPPG, Policies LO8 of the Core Strategy and EN1 and EN5 of the ADMP.

### Heritage Assets

- 73 Paragraph 199 of the NPPF outlines that local authorities should conserve heritage assets in a manner appropriate to their significance. Any harm, which is less than substantial, must be weighed against the public benefit of the proposal (paragraph 200-202).
- 74 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 75 Policy EN4 of the ADMP relates to proposals that affect a heritage asset or its setting, it supports proposals where the character, appearance and setting of the asset is conserved or enhanced.

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- 76 The applicant has provided a Heritage Impact Assessment. This confirms there are no designated or non-designated heritage assets within the site and no direct effects on any heritage assets would occur.
- 77 The indirect impacts upon the surrounding heritage assets have been assessed as 'low to negligible', therefore no specific mitigation is considered to be required.
- 78 The closest listed building is Yew Tree Farmhouse which is sited some 0.2km from the site. The heritage assessment identifies a low to negligible impact upon this heritage asset as the views from the listed building to the site are heavily screened by vegetation along the railway embankment. Batchelors Farm House and Granary are sited 0.3km east of the site and the heritage assessment identifies that the proposal would have a negligible impact on this heritage asset in terms of views and visibility due to the existing tree belts and woodland setting. There is no direct intervisibility between the panels and listed buildings, nor are the solar panels seen in the context of the listed buildings.
- 79 Moreover, Bombers Farm House, Black Robins Farm House and Barn, Gaywood and Hilders Farmhouse and Barn are also listed buildings located between 0.5km and 0.9km from the site. The heritage impact on these cases is negligible impact from the proposals. Whilst there are other listed buildings in the wider context of the site, these are in excess of 1km from the site boundaries are not considered to be impacted by the proposals. There are no notable cumulative landscape or visual effects that are expected to occur on any of the surrounding heritage assets identified.
- 80 Starborough Castle, a Scheduled monument, is located approximately 3.5km to the south of site and the development would have a negligible impact upon this asset. In terms of historic parks and gardens, Chartwell is sited approximately 4.4km to the northeast of the site and again the development would pose a negligible impact.
- 81 Regarding in ground heritage, the site lies in a rural area and the terrain is considered favourable for prehistoric activity and occupation. There is a roman road running north to south through Edenbridge but there are no indications of Roman or early medieval activity on the site. KCC Archaeology have assessed the desktop archaeological assessment and, in view of the archaeological potential, it is recommended that field evaluation works be secured by condition. Moreover, the applicant's heritage assessment also identifies potential for sub-surface archaeological remains and a programme of archaeological works can be secured via condition.

### **Impact upon neighbouring residential amenity**

- 82 Policy EN2 and EN7 of the ADMP seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 83 The solar panels would be sited some 270m from the residential properties to the north east of the site, over 220m from properties to the east, some 208m from dwellings along Hilders Lane to the south east, some 120-130m from the dwellings south of the site past the railway line and some 350m from properties to the west of the site. The nearest residential dwellings are those to the south of the site along

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Honeypot Lane. These properties back onto the railway line and the solar panels, at the closet point, would be some 120m away. There is a significant buffer left along the southern boundary, with the railway lines, and mature tree belt and landscaping separating these properties from the site. Considering the separation distance and buffer between the panels and these properties to the south, these properties would not have a clear or direct view of the solar array.

- 84 The solar panels are designed to absorb light rather than reflect it. Any glare would appear as a sheen and the solar panels take on a lighter colour for a period of time, glare would not occur in the same way as reflections off a mirror. There are few properties nearby that are not within very close proximity and, due to the orientation of the panels, it is not therefore considered that there is any significant potential harm to neighbouring dwellings by means of glint and glare.
- 85 A glint and glare assessment has been provided. This assessment considers the potential impacts on ground-based receptors such as roads, rail and residential dwellings as well as aviation assets. A 1km study area around the site was considered adequate for ground receptors and a 30km study area for aviation receptors was conducted. Within 1km of the site there are 41 residential receptors, 43 road receptors and 23 rail receptors. 10 residential receptors, 14 road and 5 rail were not included as they are sited in the no reflection zones. The assessment highlights nine aerodromes which are located within 30km of the site and the development falls within their respective safeguarding buffer zones.
- 86 Geometric analysis was conducted at 31 individual residential receptors, including eight residential areas, 29 road receptors and 18 rail receptors, as well as three runways and an air traffic control tower (ATCT) at Redhill Aerodrome, one runway and an ATCT at Biggin Hill Airport, and two runways and an ATCT at Gatwick Airport. The assessment highlights that solar reflections are possible at 26 of the 31 residential receptors assessed within the 1km study area. Reviewing the actual visibility of the receptors, the glint and glare impacts were 'low' at two receptors and 'none' at the remaining 29. Solar reflections were found to be possible at 20 of the 29 road receptors within the 1km study area. From reviewing the actual visibility this reduces any glint and glare impacts to 'none' at all receptors. Solar reflections were possible at 14 of the 18 rail receptors within the 1km study area, when reviewing actual visibility glint and glare impacts reduce to 'low' at one receptor and 'none' to the remaining 17 receptors.
- 87 Regarding the impact on aerodromes, upon reviewing the ground elevation profiles between the ATCTs and the proposed development, the impacts on the ATCTs reduce to 'none' and no glare impacts are predicted on Biggin Hill Airport. Therefore, the assessment concludes the impact on aviation assets is not significant. The assessment concludes that mitigation measures are not required as the identified impacts on residential, road and rail receptors will be 'low' to 'none'. As such, the development would not be considered to pose harmful glint and glare impacts on nearby residential and transport receptors.
- 88 Regarding noise, it is not considered that there would be any harm through noise and disturbance during the operational phase. A noise impact assessment has been submitted. The assessment of acoustic impact was undertaken in accordance with BS 4142: 2014+A1:2019 and the results showed low and negligible impacts during night time periods are anticipated and therefore no mitigation is required. The levels recorded at each receptor were below the Night Noise Guideline value set out in the



World Health Organisation Night Time Guidelines. The proposed development is therefore in line with policy EN7 and acceptable in terms of noise impact.

- 89 The Council's Environmental Health officer has raised no objections to the scheme. They note that the use of octave data may mask identifiable tonality or characteristics and despite the low levels identified a correction should be applied if working to a worst case scenario. Whilst a desk top exercise, they believe the levels identified and, if corrected for characteristic/ tonality, would still give levels that are acceptable. It is recommended that a condition for noise monitoring be secured, requiring the evaluation of the noise from any transformers or inverters to demonstrate that the noise from the site does not have an adverse impact on nearby dwelling should be secured. The assessment should be undertaken within two months of commissioning and should a loss of amenity be identified to nearby dwellings, then noise mitigation should be provided to eliminate the excess noise.
- 90 Conditions relating to a construction management plan and hours of work are designed to mitigate against any harm to residential amenity during the construction phase of the development.
- 91 Upon considering the above, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the occupiers of nearby dwellings and would not conflict with Policy EN2 of the ADMP.

### Highways Impact

- 92 The construction/decommissioning phases of the proposal are to generate the most traffic movements. The construction phase of the proposal is to take approximately 4 months. Once the development is completed the site will generate minimal vehicular movements, only to maintain and service the site. This is predicted to be no more than 10-15 light good vehicles per year which is not considered significant.
- 93 Following concerns raised by local residents and the previous objection raised by Surrey County Council Highways Authority, the applicant has reviewed the proposed construction timetables and delivery requirements, as well as reviewing the proposed haulage route.
- 94 The delivery schedule originally took the approach of condensing the initial deliveries of hardcore and gravel within the first 2 weeks to minimise the length of time the peak deliveries would last. The resulting peak deliveries of some 15 HGVs per day has been a source of concern for many local residents. The applicant now proposes undertaking these deliveries over a four-week period, reducing the estimated peak daily HGV deliveries over that 4 week period to 7 deliveries per day. Outside of this peak construction period estimated daily average HGV deliveries will be 3 to 5 per day throughout the remainder of the construction phase. Whilst these estimates are provided it is however acknowledged that vehicle trips will vary at times.
- 95 The applicant states this is the maximum level of HGV deliveries and that there is still the potential that this could be further reduced if aggregate requirements also reduce. This will be known when a detailed engineering assessment of the access track and other requirements on site have been undertaken and can be secured by a condition requiring a detailed Construction and Transport Management Plan.
- 96 Regarding the HGV haulage route, following discussions with Surrey Highways, the applicant is proposing the use of two haulage routes. Deliveries will be directed from

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the M25 onto the A22 and then to the A25. Tipper lorries for the delivery of hard-core will access the site via Red Lane, labelled as route B. It is noted that this route has a 4.2m height limit which will prohibit the largest HGVs required for some deliveries. Route B has been assessed as being suitable for tipper lorries with the use of temporary traffic lights on the single track railway bridge on Dwelly Lane. The use of a second haulage route, route B, would effectively halve the number of trips proposed along Short Lane and Grants Lane throughout the construction programme. The use of route B would therefore reduce the HGV movements and traffic proposed along route A. Further mitigation in the way of warning signage, off-peak delivery timings and strict traffic management measures are proposed and can be secured, in agreement with Surrey Highways, through a detailed Construction and Transport Management Plan condition.

- 97 In the Construction Management Plan document submitted as part of the application, the applicant advises that a delivery booking system will be adopted to manage timings of deliveries in an efficient manner with minimal disruption. Deliveries can be managed and scheduled to ensure no vehicles are waiting on the local road network and to prevent two HGVs meeting on narrow roads. Furthermore, the applicant's assessment considers the junctions along the haulage routes are wide enough for vehicles to pass and have good visibility. Concern has been raised around the Network Rail bridges which narrow to single lanes and have limited visibility, so it is proposed to use temporary traffic lights to mitigate this for main periods of heavy haul activity along the route. Also, as stated above, an alternative haulage route can be used to reduce the traffic along route A. A more detailed traffic management plan can be secured by condition. These overall proposed traffic volumes are not considered to pose a threat to the highway network that would be 'severe' as per paragraph 111 of the NPPF.
- 98 The site is accessed from an existing farm access off Hilders Lane at the south of the site. An Automatic Traffic count survey was conducted by the applicant to gauge speeds along this part of Hilders Lane. This showed an average speed of 27.1mph along the road and therefore visibility of 50m and 2.4m is considered acceptable, with 6.5m of hedgerow trimming required to achieve this visibility. Swept path analysis shows that the removal of 5m of hedgerow will be required to allow the largest vehicles to enter the site. This hedgerow will be replanted elsewhere as mitigation. Moreover, the applicant will also conduct a 200m pre and post condition survey either side of the access point and will be liable to repair any damage to the road attributed to the construction of the development. It is also proposed that the applicant will create a Community Liaison Group to ensure local residents are kept informed of the detailed CTMP measures and provide a contact point for project enquiries.
- 99 Further mitigation can be used by ensuring the construction times are strictly controlled and that further details in relation to operation hours, wheel washing facilities etc. can be secured via the submission of a Construction and Transport Management Plan. In accordance with paragraph 111 of the NPPF, with the proposed mitigation measures secured, it is considered that the development would not have a harmful impact upon the strategic and local road network to justify a reason to object. Highways England, Surrey Highways and KCC Highways raise no objection to development.

### Flood Risk

- 100 Paragraph 159 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 101 The majority of the site lies in Flood Zone 1. Sections of the site that are adjacent to the watercourse of the Kent Brook along the northern and western boundary lie in Flood Zone 2 and partially in Zone 3. Moreover, there are some highlighted areas of high, medium and low surface water flood risk along the site boundaries and within the site.
- 102 The applicant has provided a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). This states that only security fencing and CCTV poles are proposed in Flood Zone 2, with the panels all sited in Flood Zone 1 and none of the development to be sited in Flood Zone 3. It is proposed that surface water from impermeable areas will be managed through using swales and filter drains prior to a restricted discharge into the Kent Brook at the QBAR Greenfield rate.
- 103 The proposed drainage scheme comprises constructing multiple filter drain/soakaways within the site. The location of these have been chosen on the downward slope, near to the Kent Brook. It is proposed to capture overland flow in the SuDs, prior to releasing into the natural surface water system. The proposed filter drains/soakaways will have an overall length of approximately 510m, with a base width of 0.5m and a 0.5m design depth. It will be filled with crushed rock with a void ratio of 20% and will provide a total storage volume of approximately 25.5m<sup>3</sup>. The assessment states that this is greater than the volume of additional runoff generated as a result of the impermeable buildings. It is therefore considered in the assessment that this not only adequately mitigates the increase in flow rates as a result of the minor increase in impermeable area but provides an improvement. The SuDs features will be implemented during the construction phase of the development and the filter drains/soakaways will be planted with vegetation to protect against soil erosion and will be maintained throughout the lifespan of the development. The exact discharge points will be finalised as part of the detailed drainage design which will be secured by condition.
- 104 Additional drainage measures proposed to be implemented on-site include the following:
- Solar Panels - current grass cover is to be retained or reinstated adjacent to and under panels in order to maximise bio-retention;
  - Access tracks are to be unpaved and constructed from local stone. Swales or similar shall be utilised to collect runoff from access tracks, where required, however these will be designed at the detailed design stage;
  - Inverters, transformers, substations - filter strips will surround the concrete bases of the ancillary buildings to capture any runoff from the roofs. This will be discharged to a percolation area or into the sites drainage network where it is close enough. Should surface water accumulate around any of these locations then a simple soakaway can be constructed to allow water soak into the underlying subsoils.

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- 105 The Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) demonstrates that the proposed development will not increase flood risk away from the site during the construction, operation and decommissioning phases.
- 106 KCC as the Lead Local Flood Authority and the Environment Agency have reviewed this information and neither raises objections nor concerns. KCC recommend that the incorporation of filter trenches at certain intervals before the soakaway trench is considered as part of the more detailed drainage design to trap and slow the water as it traverses the site and thus not increase the risk of flooding to or from the site. They also advise that further site testing and surveys will be undertaken with regards to the utilisation of infiltration on the site to inform the more detailed design. Whilst no volumetric calculations have been provided by the applicant for attenuation (should infiltration prove unfeasible) given the space available on site this poses no concern from KCC at this stage.
- 107 Regarding the public concerns raised about drip lines being created and increasing the volume of overland flow given the impermeable nature of the soils here, KCC suggest that any increase in offsite flows would be negligible. Rainwater will hit the panels and flow to the grass beneath. As part of the detailed design submission, KCC require for it to be demonstrated that surface water flows leaving the site are not increased and that they do not have a detrimental effect to water quality. The detailed drainage design can be secured by condition, as recommended by KCC.
- 108 A residents group have submitted a technical flood report by GWP. This raises concerns regarding flood risk as a result of the development, development encroaching into the Flood Zone, increased risks of blockages in watercourses, impermeable bedrock and lack of filtration, higher site runoff rate calculations, lack of consideration for fluvial and pluvial flood risk, soil erosion and drip lines from concentrated runoff from panels. This report has been thoroughly reviewed by the Council and KCC as Lead Local Flood Authority.
- 109 KCC have reviewed this document and provided additional comments. They summarise that the concerns raised are in relation to the perceived lack of consideration of the impermeable area created by the solar panels themselves, the additional surface water runoff that arises from them and the methods proposed to manage the additional surface water. As given in the GWP report the solar panels cover an area of 5ha which currently has a greenfield QBAR run off rate of 60l/s. As part of a further detailed design submission, as set out in the recommended condition wording from KCC, a detailed drainage scheme will be required to be submitted which must demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site, prior to any construction works commencing.
- 110 KCC acknowledge that the geology of the site is highly impermeable and so infiltration will be minimal at best, with the majority running off as surface flows, however, this is no different to the current situation (other than the flow paths being concentrated in areas). The Flood Risk Assessment provided states "Rainwater falling onto each panel rack will drain freely into the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state." This means that essentially the rainfall run off from the panels will shed to the ground and infiltrate (all be it minimally) with the remainder running off of site as per the existing situation.

- 111 Whilst the cumulative rate of run off from the site is likely to remain unchanged because of the solar panels, it is accepted that due to the orientation of the panels on the slope that the flows will be concentrated into paths where previously a sheet flow was achieved. However, the incorporation of additional filter trenches at certain intervals before the soakaway trench, as part of the detailed drainage design strategy, will prevent the onward flow of concentrated channels of water.
- 112 Further to this, in order to demonstrate that the risk has been suitably considered and the proposed protection methods acceptable, KCC will expect for any detailed design submission, as required by the recommended conditions, to provide further clarification on the methods proposed within the original FRA to reduce the risk of soil erosion.
- 113 The GWP report raises the fact that the sequential test has not been considered. The NPPF at paragraph 161 states that: "All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property." The requirement for a viable and available grid connection is a significant a driver for site selection and this site has been selected due to the viable and available grid infrastructure. The majority of the site lies within Flood Zone 1 and the Lead Local Flood Authority and Environment Agency have raised no objections or concerns with the proposals. It is not considered that the sequential test or exception test is necessary in this instance.
- 114 Overall, through the use of conditions securing a detailed drainage design strategy, the proposal is considered acceptable with regards to flood risk and drainage.

### Ecology

- 115 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 116 KCC Ecology have reviewed all the ecology information submitted by the applicant and accept the findings of the updated assessments, confirming that sufficient information has been provided.
- 117 As detailed within the ecological reports and additional information, precautionary mitigation measures will need to be implemented for protected/priority habitats and species including hedgerows, trees, the Kent Brook, hazel dormouse, Great Crested Newt (GCN), reptiles, badger, otter, water vole, breeding birds (including ground-nesting species) and hedgehog. It is recommended a condition is attached to secure the provision of a Biodiversity Method Statement prior to the commencement of works. The method statement will inform the Construction and Environment Management Plan, which can also be secured as a condition.
- 118 An outline Landscape and Ecological Management Plan (LEMP) has been provided in the form of a Biodiversity Management Plan. To ensure successful biodiversity enhancement through appropriate long-term management and monitoring, it is advised that a condition for a detailed LEMP is attached. This will align with the Biodiversity Net Gain proposals, to show how management will ensure that the proposed habitat types and target condition values are achieved and maintained.
- 119 The metric calculation for the site has been submitted and reviewed by KCC Ecology. The metric shows a 171% proposed gain in area habitats and 100.6% gain in linear

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habitats (hedgerows). It is also demonstrated that the trading rules have been met. It is noted that most of the unit gain will be through the enhancement of existing modified grassland to other neutral grassland. The achievement of this will depend on successful implementation of seeding and appropriate long term management, proposed to include a mixture of seasonal sheep-grazing and mowing of an annual hay-cut. In parallel with the Landscape and Ecological Management Plan (LEMP), a Biodiversity Net Gain Management and Monitoring Plan will be required. This will include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Under the Plan, BNG Audit Reports will be submitted in years 2, 5, 10, 20 and 30 from completion of the construction period, demonstrating how progress is being made towards achieving BNG objectives. Evidence of any remedial measures will also be included. The Biodiversity Net Gain Management and Monitoring Plan can be secured by condition.

- 120 KCC Ecology highlight that it is essential that current management of the site continues to ensure that the findings of the ecological assessment, and the proposed mitigation measures, remain valid. It is understood that the site is currently sheep grazed with a resulting average sward height of <15cm and as such has low suitability for nesting skylark. The applicant has confirmed that sheep grazing will continue on the site once the panels are operational.
- 121 Regarding the decommissioning phase, the land will be returned to agricultural use. To ensure that the created and enhanced habitats are considered in any future management of the site, it is recommended that an ecological impact assessment, and completion of any required mitigation, is provided prior to the decommissioning of the solar array. This can be secured by condition.
- 122 Overall, the proposal is considered acceptable with regards to biodiversity and accords with the ecology principles of the NPPF and policy SP11 of the Core strategy.

### Planning Balance

- 123 The development does not accord with the adopted development plan in that it does not fall within the limited categories of development permitted in the Green Belt, and therefore constitutes inappropriate development in the Green Belt which, by definition, is harmful. The harm in this case is significant as it constitutes the loss of openness over an extensive area of Green Belt, albeit (apart from the substation) low lying loss of openness due to the height of the solar panels being 3m in height.
- 124 Whilst there may be a minor degree of harm to the local landscape character, this impact would be lessened by the landscape mitigation measures proposed and is not the extent of conflict with national or local policy to warrant significant harm. In terms of the need for the Green Belt location, the site allows access to an available and viable grid connection and utilising existing infrastructure means there will be limited development associated with the grid connection. In other mitigation, the scheme provides biodiversity enhancements and can demonstrate a significant biodiversity net gain, as well as comprehensive soft and native species planting, including new woodland planting and reinforcing existing hedgerows where required. Moreover, the proposal does not result in the temporary loss of best most versatile agricultural land and the land will still be used for the purposes of grazing livestock around the panels.
- 125 The principal benefit of the proposal however is down to the public benefit that would arise from the generation of renewable energy. The National Planning Policy Framework sets out that in the case of renewable energy projects, 'very special circumstances' can include the wider environmental benefits which could be achieved

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through the development. This carries the objective of reducing the reliance on unsustainable energy generation in the interests of reducing the impacts of climate change. This is directly linked to the UK commitment to reducing the impact of climate change. It is considered that the proposed development would make a positive contribution and would bring positive wider environmental benefits, and this should be given weight in determining this application.

- 126 The test for finding very special circumstances is that the harm to the Green Belt must be considered in conjunction with any other harm found. The NPPF attributes 'substantial' weight to the harm to Green Belt, and on this basis it is clear that any special circumstances found must be of more substantial weight in order to clearly outweigh that harm. The onus is with the applicant to demonstrate that very special circumstances exist so as to outweigh the harm.
- 127 The point of connection is a significant a driver for site selection and contributing towards very special circumstances discussed below. Paragraph 006 of the NPPG advises that 'Examples of considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size.' It is of course true that a solar farm cannot be developed without a suitable grid connection.
- 128 The applicant has stated that solar farm would bring about the following green energy benefits:
- An expected generation of 10.7GWh of renewable energy that could generate power to approximately 3,700 homes per year via the local grid network;
  - Lowering of CO2 by 4,772 CO2 tonnes annually and 190,880 CO2 tonnes over lifespan of development;
  - Lowering of other harmful gases including sulphur dioxide and oxides of nitrogen;
  - Reducing reliance on fossil fuels and non-renewable sources;
  - Helping the UK, and more locally Sevenoaks, to reach climate change targets;
  - All electricity generated will feed into the national grid.
- 129 The proposal will generate power to feed into the existing grid infrastructure. Grid capacity is essential for the viability of a renewable energy scheme and is rarely available, making it an excellent opportunity to deliver a scheme in this area where capacity exists. There are also economic benefits by job creation during the construction phase of the development, and that the scheme will create additional non-domestic rates that would benefit the District. It is estimated that during the construction phase and decommissioning phase the development could create 30 on site jobs in terms of construction workers. Moreover, the operational timeframe of the solar farm is expected to be 40 years, after which the land can be returned to its current condition. The development is therefore fully reversible and not permanent in nature longer term.
- 130 Having regard to the above, the application proposals make an appreciable contribution to meeting the amended Climate Change targets as set out within the Climate Change Act 2008 (2050 Target Amendment) Order 2019. In the context of a declared climate emergency, the benefits of the scheme must weigh heavily in the planning balance. It is considered that the public benefit from the provision of the solar farm outweighs any residual harm to the landscape character of the area and openness of the Green Belt. It is considered that very special circumstances exist to sufficiently outweigh the identified harm to the Green Belt in this instance.

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### Other Issues

- 131 The objections raised by third parties have been thoroughly reviewed, considered and where appropriate the issues have been discussed above. That said, it is recognised that there will be some harm that the development attracts, however where appropriate, the harm will be mitigated and measures that would make a positive contribution to the locality, as well as making a clear contribution in delivering renewable energy which is a national/local priority.

### Community Infrastructure Levy (CIL)

- 132 The development is not CIL liable.

### Conclusion

- 133 The proposed solar farm development is relatively low-level itself and the horizontal nature of this type of development, and the fact that it would follow the existing contours of the land, makes it less visually intrusive than most other types of development. The site is well screened with limited views experienced and only within close proximity of the site. As such, the development has a limited impact upon the openness of the Green Belt. However, by definition there is harm to the Green Belt by reason of its inappropriateness. That said, the identified socio-economic and positive environmental benefits of the scheme, collectively, weigh heavily in support of the scheme and that can be considered as very special circumstances sufficient to outweigh the identified harm. There are no other issues that could not be addressed by use of appropriate conditions.
- 134 On considering the above, it's recommended that this application is granted, as there are no other overriding material considerations to indicate otherwise.

### Recommendation

- 135 It is therefore recommended that this application is APPROVED.

### Background papers

- 136 Site and block plan

Contact Officer(s):

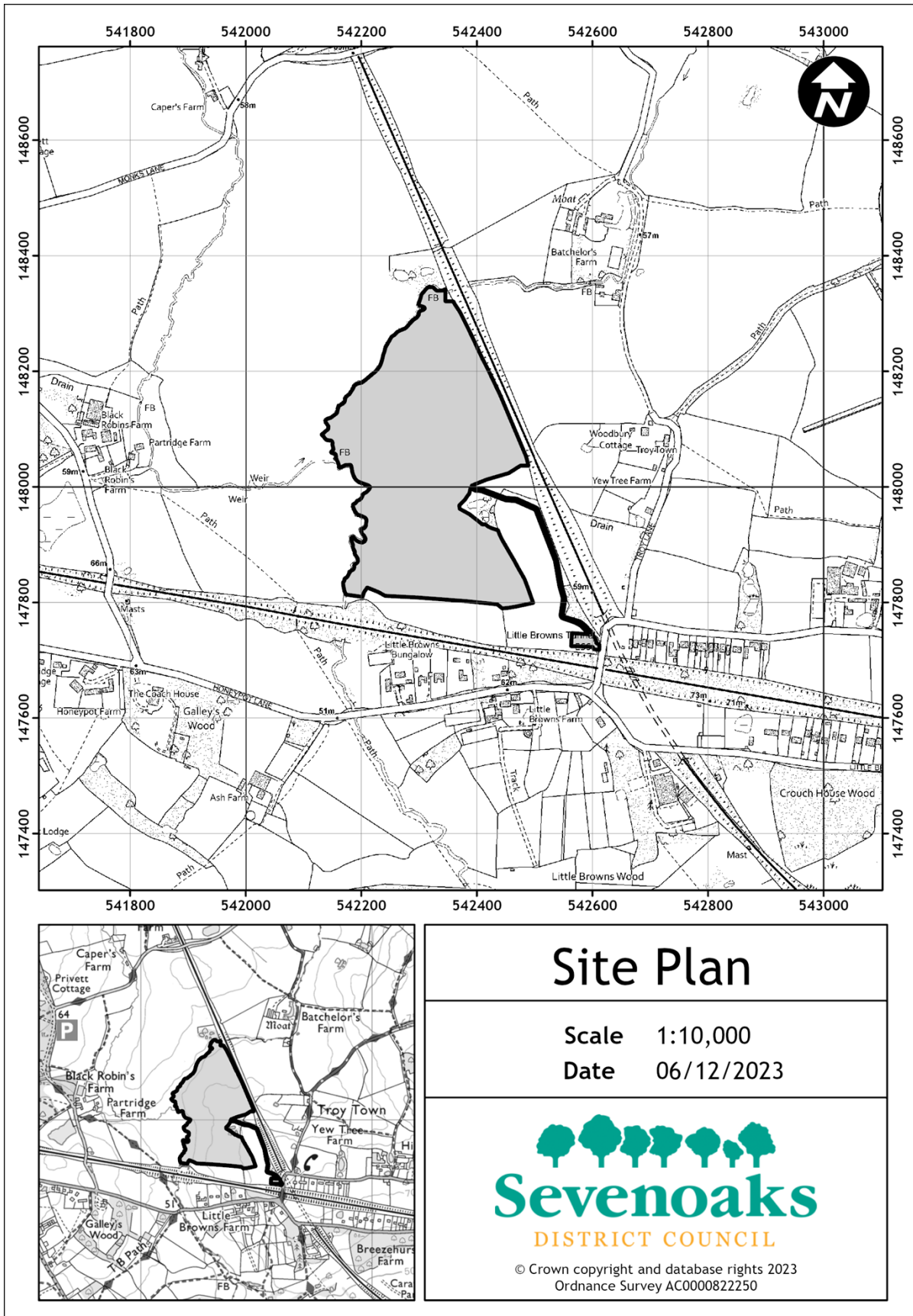
Anna Horn: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



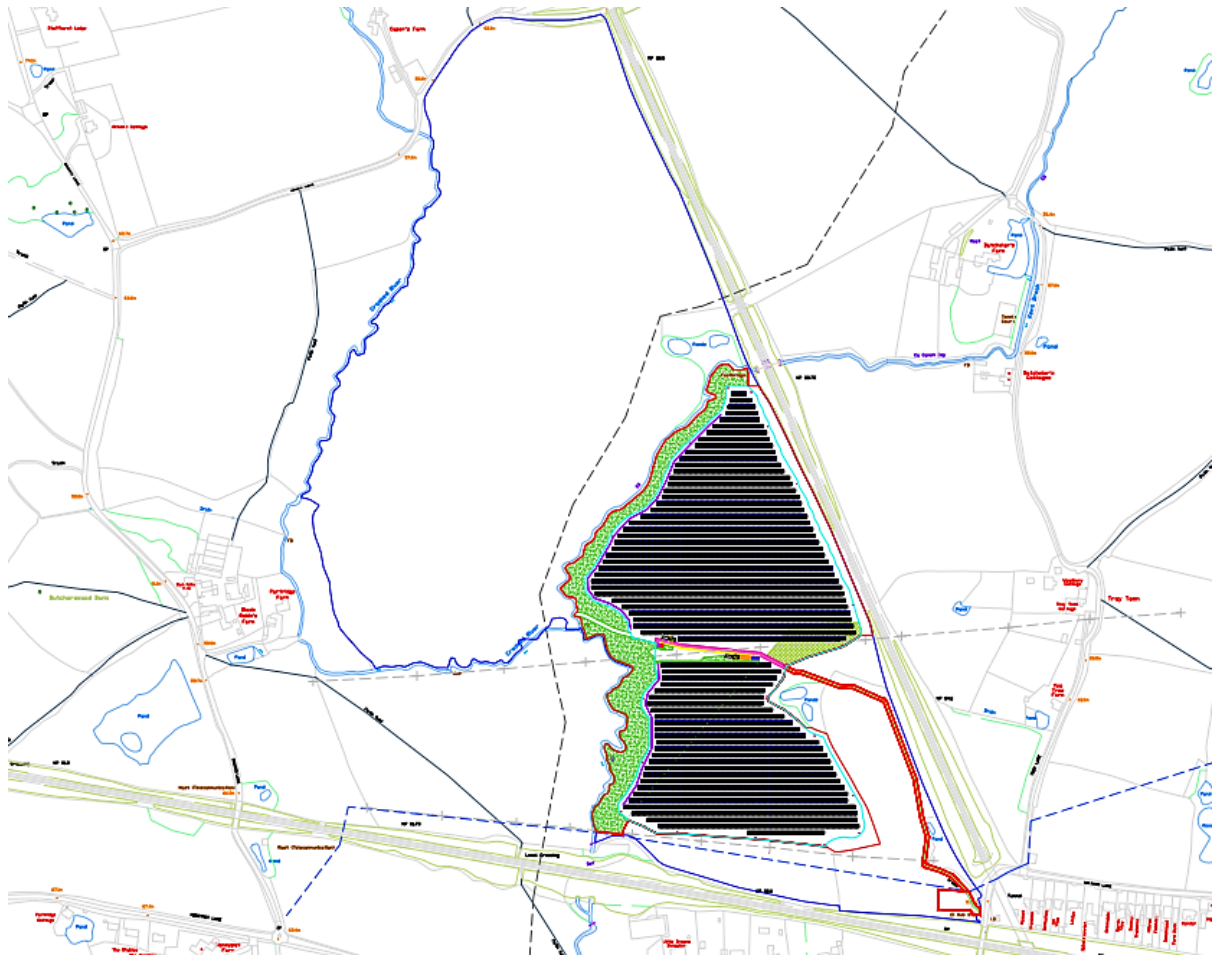


# Site Plan

Scale 1:10,000  
Date 06/12/2023



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Ordnance Survey AC0000822250



4.2 - 23/02344/FUL                      Revised expiry date 5<sup>th</sup> January 2024

Proposal:                                      Erection of 2 dwellings with detached garages, extension to existing dwelling and associated works.

Location:                                      Chance Cottage , 104 Oakhill Road, Sevenoaks Kent TN13 1NU

Ward(s):                                        Sevenoaks Kippington

**ITEM FOR DECISION**

The application has been called to Development Management Committee by Councillor Gustard on the grounds of harm to the amenity of neighbours, contrary to policy EN2 of the Allocations and Development Management Plan (ADMP), and harm due to the size and massing of the proposal, contrary to policy EN1 of the ADMP.

**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 hereby permitted shall be carried out in accordance with the following approved plans and details: 102 C, 200 D, 201 D, 202 A, 203 A, 204 B, 205, 300 C, 301 B, 400 A, 401, 0627/23/B/1A.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 203 A, 300 C and 301 B.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by policies EN1 of the Sevenoaks Allocations and Development Management Plan and C4 of the Sevenoaks Town Neighbourhood Plan.

4) Prior to the commencement of works on the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following: (a) Routing of construction and delivery vehicles to / from site; (b) Parking and turning areas for construction and delivery vehicles and site personnel; (c) Site working hours and timing of deliveries; (d) Site layout and security measures; (e) Provision of wheel washing facilities; (f) Temporary traffic management /signage; (g) measures to deal with noise and dust.

To ensure details of construction are provided in accordance with policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the development reaching above damp proof course, details of the hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the

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Local Planning Authority. The landscaping plan shall include details of species, sizes and a planting and maintenance schedule. The approved hard landscaping details shall be implemented prior to first occupation of the dwelling hereby approved, and shall be carried out in accordance with the approved details. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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 and Policy C4 of the Sevenoaks Town Neighbourhood Plan.

6) Notwithstanding the approved drawings, the window(s) in the 'House A' first floor south west side facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

7) The cycle parking and EV charging points as shown on plan number 205 shall be implemented prior to the first occupation of the dwellings, hereby approved, and shall be thereafter retained.

To encourage the use of low emissions vehicles and promote sustainable travel in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

8) Within six months of works commencing on the site, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and shall be thereafter maintained.

In the interests of securing ecological enhancements in accordance with policy SP11 of the Core Strategy and the principles of the National Planning Policy Framework.

9) The development, hereby approved, shall be carried out in accordance with the tree protection measures and recommendations outlined in section 9 and 11 and appendices C, D, F and G of the Arboricultural Report prepared by Quaife Woodlands and dated October 2023.

To ensure the retained trees are adequately protected to preserve the character of the area, in accordance with policy EN1 of the Allocations and Development Management Plan and policy L4 of the Sevenoaks Neighbourhood Plan.

10) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall commence until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a 10% net gain in biodiversity within a 30 year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

To ensure compliance with the Sevenoaks Town Neighbourhood Plan biodiversity net gain policy L1.

**Informatives:**

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the

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details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

### 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 comprises a two storey detached dwelling, number 104 Oakhill Road, set within a spacious and generous sized plot. The site is located to the south west of Oakhill Road and is not visible within the street scene of Oakhill Road. The site is accessed via a shared driveway from Oakhill Road.

### **Description of proposal**

- 2 Planning permission is sought for alterations and extensions to the main property, number 104, and the erection of two new dwellings on the site with associated parking and landscaping.

### **Relevant planning history**

- 3 02/02355/FUL - Demolition of existing house and erection of two, five bedroom houses with detached garages. GRANT

### **Policies**

- 4 National Planning Policy Framework (NPPF)

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.

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:

- the 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.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

### 5 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP7 Density of Housing Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP11 Biodiversity

### 6 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Point

### 7 Sevenoaks Town Neighbourhood Plan (STNP)

- Policy C4
- Policy L4
- Policy L1

### 8 Other

- Sevenoaks Residential Extensions SPD
- Sevenoaks Character Area Assessment SPD

### Constraints/Designations

#### 9 The following constraints and designations apply:

- Urban Confines of Sevenoaks
- Adjacent to Sevenoaks Kippington and Oakhill Road Conservation Area
- TPOs on north west and south west site boundaries

### Consultations responses

- 10 Sevenoaks Town Council – Recommended refusal on the grounds of overdevelopment, loss of privacy and overlooking to neighbouring properties and loss of amenity to the existing house.

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- 11 Tree Officer – Previous comments regarding house B, proximity to line of conifers, post development issues and comments on build process and TPOs. Upon re-consultation: No objections, as long as proposed works are carried out as shown in the arboricultural information provided.
- 12 Conservation Officer – No comments.
- 13 Thames Water – No comments.
- 14 KCC Lead Local Flood Authority – No comments.
- 15 KCC Archaeology – No comments.
- 16 KCC Highways – No comments.
- 17 Environmental Health – No objection, recommends a Construction Environmental Management Plan be secured by condition.

### Representations

- 18 Five public comments were received objecting to the development on the following grounds:
  - Overdevelopment and cramped appearance
  - Loss of privacy and overlooking
  - Dominating and overbearing impact
  - Not in keeping with character of the area
  - Height and bulk of proposal
  - Site layout and location of driveway for house B as harmful
  - Loss of amenity
  - Loss of trees
  - Harm to wildlife
  - Impact on drainage
  - Inadequate access
  - Increased traffic
  - Noise and disturbance
  - Concerns with construction phase
  - Lack of renewable energy (solar PV)
  - Suggests amendments to improve scheme
- 19 The applicant has submitted amended plans, upon re-consultation four additional comments have been received raising the below points:
  - Acknowledges amendments made but still concerns remain
  - Concerns regarding size of garage for house A
  - Concerns regarding dimensions of house B
  - Concerns regarding windows on garage of house B
  - Concerns regarding siting of house A and impact on neighbouring amenity
  - Seeks clarifications on landscaping
  - Concerns regarding landscaping



- Comments on conditions to remove permitted development rights, to provide finished floor levels, landscaping details and obscurely glaze windows
- Surface water drainage details
- Concerns regarding construction vehicles and access constraints
- Overdevelopment of the site
- Loss of privacy and overlooking impact
- Concerns have not been addressed and objections remain
- Loss of amenity
- Loss of trees and wildlife

### Chief Planning Officer's appraisal

20 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact to neighbouring amenity and future occupiers
- Impact to highways and parking

### Principle of Development:

- 21 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.
- 22 Policy SC1 of the ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 23 Policies L01 and L02 of the Core Strategy require development to be focused within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy LO2 of the Core Strategy states that provision will be made for housing within Sevenoaks Urban Area.
- 24 This site is within the built confines of Sevenoaks Urban Area and, as such, there is a presumption in favour of development. The development of this site would make a welcome contribution to the housing provision within the District of two additional housing units. It has been confirmed that the Council does not currently have the required 5 year supply of housing land and has consistently failed to meet delivery targets over a number of years. In addition, the Council does not have an up to date Local Plan for the purposes of housing provision and therefore, the planning balance is further tilted in favour of granting planning permission, as per paragraph 11 of the NPPF.
- 25 As such, the contribution of housing is given additional weight in helping to support the Council to meet its housing targets. As set out within NPPF paragraph 11, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.
- 26 The location of the development is within an established residential area within the built confines of Sevenoaks, which is a strategic location for new housing and is supported by the necessary infrastructure. The development plan policies seek to

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maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.

- 27 Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective and efficient use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Although not entirely consistent with the NPPF and its promotion of efficient use of land, Local Policy SP7 of the Core Strategy encourages densities that do not compromise the distinctive character of the area. Within urban areas (of Sevenoaks), new residential development is expected to achieve a density of 40 dwellings per hectare. When reviewing the density of the site, which is 0.28 hectares, the addition of two dwellings on this site would result in a density of 10 dwellings per hectare, which is significantly below the required level of provision. Notwithstanding this, the addition of two new dwellings on the site would therefore be making a more effective and efficient use of land, whilst not compromising the distinctive character of the area.
- 28 Overall, considering the above, the principle of development is acceptable, subject to other material considerations assessed below.

### Impact on the Character of the Area

- 29 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. Policy C4 of the Neighbourhood Plan states that new development in residential areas shall be of high quality and take account of the Sevenoaks Residential Character Area Assessment SPD.
- 30 The site lies within character area HO5 of the Sevenoaks Residential Character Area Assessment SPD. The age of the buildings in this character area date from 1930s to present day, largely comprising detached, residential, two storey dwellings that have a varied material palette. The SPD identifies the dense tree and hedge coverage and the large individually designed dwellings that are well-spaced and set back from the road behind treed frontages. The design guidance advises that the character of the adjacent Conservation Area should be respected and that new buildings should be well screened and set back from the front boundary to fit unobtrusively within the setting.
- 31 In terms of spatial character, as per the Residential Character Assessment, the surrounding area is predominantly characterised by large detached properties on spacious plots that vary in style, design and appearance. The site is located behind the dwellings that front Oakhill Road and is not visible from this street scene. The existing dwellings in this locality do not follow a uniform building line or design. The dwellings appear individually designed and incorporate a range of material finishes.
- 32 The two new dwellings on the plot would be set back within the site, with landscaped frontages maintained and new feature trees proposed. The properties would follow an informal and organic cul-de-sac layout that would not be considered harmful to the existing pattern of surrounding development. The dwellings are set in from all surrounding boundaries and would provide garden areas, garages, parking and landscaping. The buildings do not appear cramped and much of the site would remain open and undeveloped as garden area.

- 33 The NPPF encourages development proposals to make efficient use of land to meet housing needs and it is also noted the site has previously been allowed permission for two dwellings under application 02/02355/FUL. The plot is spacious and the dwellings would not read as cramped, sitting comfortably within the boundaries of the site at a density of approximately 10 dwellings per hectare, which is very low.
- 34 Regarding the design of the new dwellings themselves, they incorporate a traditional appearance which is acceptable considering the wider character of the area and the traditional character of the existing dwelling on the site. The dwellings are two storey in height, with additional accommodation in the roof space. The dwellings are considered acceptable in scale, bulk and mass when considering the existing character of the area and the large detached properties sited along Oakhill Road. A condition is proposed that would require details of site and finished building levels to be submitted, to ensure that the completed buildings would sit comfortably on the site and relate well to each other as shown on the section drawings provided.
- 35 The proposed dwellings integrate several positive design features including the incorporation of chimneys, stone detailing around the windows, detailing on the porch entrances, timber cladding and the decorative features on the gable points. The material palette is proposed to be red brick, red roof tiles and grey windows with stone cill and surrounds. Moreover, both the new dwellings have architectural variations between them and have varying forms and appearances, in accordance with the design guidance for this area. The new dwellings are considered to constitute high quality design that would not appear as obtrusive or out of character with the wider area, in accordance with the Character Area Assessment SPD.
- 36 Regarding landscaping, Policy EN1 of the ADMP states that development will be permitted where it sensitively incorporates natural features, while Policy EN5 seeks to conserve the character of the landscape. Policy L4 of the Neighbourhood Plan states that wherever possible trees and hedgerows should be retained and protected. Any loss of trees must be justified and replacement planting should be secured. The arboricultural report submitted states that nine trees, one hedge and five from a tree group of 14 are to be removed to facilitate the development. However, new planting is proposed across the site in the form of new feature trees and native species hedges along the boundaries. Tree protection measures will be put in place to protect the existing trees to be retained. The Tree Officer is satisfied the buildings can be constructed without harm to any protected trees and notes the additional information provided in the Arboricultural report, raising no objections to the development.
- 37 Whilst the loss of nine trees on the site is regrettable, they are not subject to any protection via a Tree Preservation Order (TPO) or Conservation Area designation and can be removed without any need for permission. New planting is proposed and the landscaping strategy provided details the proposed planting of some 26 new trees, four of which are shown to be feature trees. The internal site boundaries will be native species hedgerow planting, with the existing hedged boundaries also reinforced with supplementary planting. I am satisfied the trees to be retained will be suitably protected (with a condition proposed to ensure this) and that adequate new planting and landscaping is proposed on the site, in accordance with Policy L4 of the Neighbourhood Plan and Policy EN1 of the ADMP.
- 38 The extensions to the existing property comprise a front garage extension with accommodation in the loft to replace the existing detached garage, and a single storey

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rear extension. The extensions proposed are considered acceptable in size and scale, reading as subservient additions to the host dwelling.

- 39 The site lies adjacent to the Kippington and Oakhill Road Conservation Area. Considering the assessment above, the proposal would not be considered to harm the setting or significance of this adjacent heritage asset. The setting and appearance of the Conservation Area would be preserved, in accordance with policy EN4 of the ADMP.
- 40 The scheme is considered to be acceptable in terms of design and impact on the character of the area. The Council has a shortfall of housing and lacks a five year housing supply. This scheme would make effective and efficient use of land in providing two new homes. The development would not be visible from Oakhill Road and would be well integrated into the area. It would not therefore have a harmful impact under the tests of paragraph 11 of the NPPF; i.e. there is not significant and demonstrable harm that would outweigh the benefits of providing additional housing within the District.
- 41 Overall, the proposed development complies with Policy EN1 and EN5 of the Allocations and Development Management Plan, Policy SP1 of the Core Strategy, the Sevenoaks Residential Character Area Assessment SPD and policies C4 and L4 of the Sevenoaks Neighbourhood Plan.

### Impact on neighbouring amenity

- 42 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The applicant amended the plans, making alterations to windows on House A to address neighbouring concerns.
- 43 Regarding privacy and overlooking, the National Model Design Code recommends separation distances between primary facing elevations/windows of 15-20m to protect neighbouring privacy and prevent harmful overlooking relationships (normally excluding the front facing elevations).
- 44 House A would be some 23m at the closest point to number 106 Oakhill Road and House B would be some 27m from number 98 Oakhill Road. The extension on the existing dwelling would measure some 23m from number 106 Oakhill Road and some 37m from 102 Oakhill Road, and would not be considered to pose any increased harm to these neighbours.
- 45 House A would be set in from the boundary, some 7m from the side elevation of 87A Kippington Road, and the small first floor windows would serve bathrooms so can be conditioned to be obscurely glazed to protect the privacy of this neighbour to the west.
- 46 House A has a detached garage located adjacent to the southern site boundary. The garage has been reduced in size and scale and would be 1.5 stories in height with an art studio proposed in the loft space. The garage is sited some 22m from the rear elevation of number 106 Oakhill Road and, with no first floor windows facing this property, is not considered to pose a harmful loss of privacy or overlooking to this neighbouring property.
- 47 The change in land levels between the site and number 106 Oakhill Road is noted, however, this is an existing relationship. Whilst House A and B would likely be visible from views from 106 Oakhill Road and 98 Oakhill Road, visibility does not equate to

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harm and these properties would retain a suitable degree of privacy and outlook and the new dwellings would be adequately separated from the existing properties.

- 48 The Residential Extensions SPD defines private and protectable space as the first 5m of rear garden space. Considering the separation distances and layout of the proposed development, the private garden areas of the neighbouring dwellings would be protected from harmful overlooking and loss of privacy. Considering the site layout, positioning of windows and the separation distances, the proposal would not be considered to pose harm to neighbouring privacy or cause harmful overlooking to the surrounding neighbours.
- 49 The separation distances between the new dwellings and the neighbours are in excess of the National Model Design Code standards. The dwellings have been designed to sit harmoniously within the site and retain suitable separation distances from existing neighbouring properties. The existing hedged boundaries will be retained and strengthened with additional planting and new trees are proposed to be planted across the site to soften the appearance of built form.
- 50 Regarding the amenity of the existing dwelling, number 104, the property would be extended at the front and rear and would still benefit from good private amenity space. Within the plot, the dwellings themselves remain adequately separated from each other and are not considered to create unacceptable neighbouring relationships to each other with regards to loss of light, privacy or outlook. The rear of the existing dwelling would retain a suitable degree of outlook and would not be considered to suffer a loss of amenity.
- 51 Regarding the amenity of future occupiers of the two new dwellings, all habitable rooms are served by natural sources of light and comply with the National Space Standards. The new dwellings would each benefit from the provision of private amenity space.
- 52 A Construction Environmental Management Plan can be secured by condition to ensure measures are in place to control the working hours, noise, dust, traffic and timings of deliveries, in the interests of minimising disruption to neighbours.
- 53 Overall, the proposal is considered acceptable in terms of protecting existing neighbouring amenity and providing an acceptable standard of living for future occupiers, in accordance with policy EN2.
- 54 Parking and Highways Impact
- 55 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 56 The proposals include adequate space on the site to accommodate parking associated with the existing and the two new houses. The parking is compliant with the KCC Standards contained within appendix 2 of the ADMP. The point of access and existing driveway are not proposed to be altered by this application and remain as existing. Details of cycle parking and EV charging points have been provided and can be secured by condition.
- 57 The scheme is considered acceptable in terms of highways and parking considerations.

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### Other Issues

#### Flood Risk and Drainage

- 58 The development does not lie in a designated flood zone, nor an area of identified surface water flood risk. The proposed development would not be considered to pose unacceptable harm to the flood risk of the site. The application form states that foul water will be disposed of via public sewer and surface water will be managed via soakaway.

#### Ecology

- 59 Regarding ecology, the site is within the urban confines of Sevenoaks and currently comprises private garden space, with large area of domestic lawn. The land is considered to be of limited ecological value and biodiversity enhancements can be secured by condition. In compliance with policy L1 of the Sevenoaks Town Neighbourhood Plan, a condition can also be secured regarding the provision of 10% biodiversity net gain on the site.

### Community Infrastructure Levy (CIL)

- 60 The proposal is CIL liable and no exemption has been applied for.

### Conclusion

- 61 The Council has a shortfall of housing and lacks a five year housing supply. This scheme would make effective and efficient use of land with the provision of two new homes within the urban area of Sevenoaks. The proposed development would be acceptable in terms of design and amenity, creating an attractive living environment for existing and future occupants and integrating well into the character of the area.
- 62 I have not found there to be harmful impacts that could be considered to significantly or demonstrably outweigh the benefits of additional housing within the District, as per the tests in paragraph 11 of the NPPF. The dwellings appear well spaced within the site and remain separated from nearby neighbouring dwellings. The dwellings have been designed to mirror the character and house style of Oakhill Road and would be considered in keeping with the prevailing character of the area.
- 63 The scheme is therefore considered to accord with the Development Plan and is recommended for approval.

### Background papers

Site and block plan

Contact Officer(s):

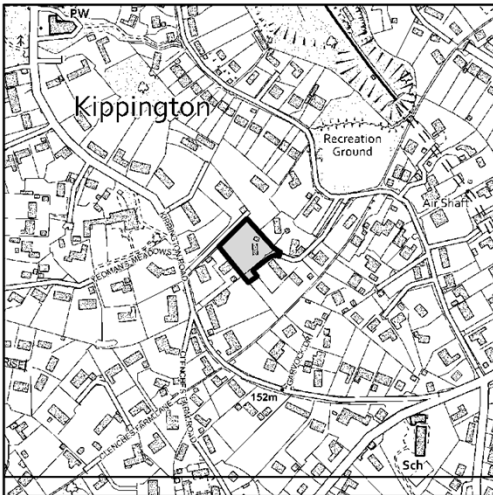
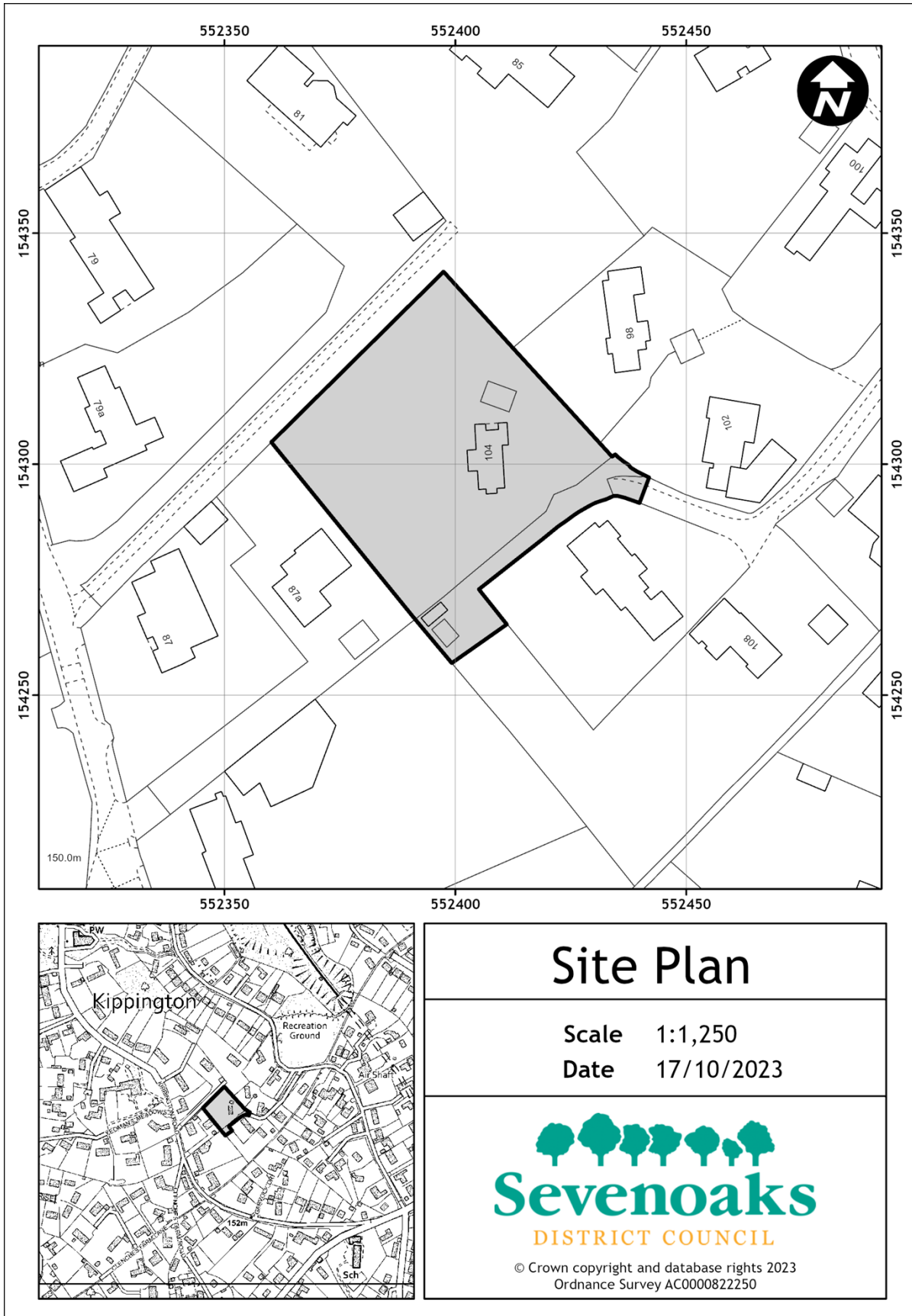
Anna Horn 01732 227000

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Richard Morris  
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

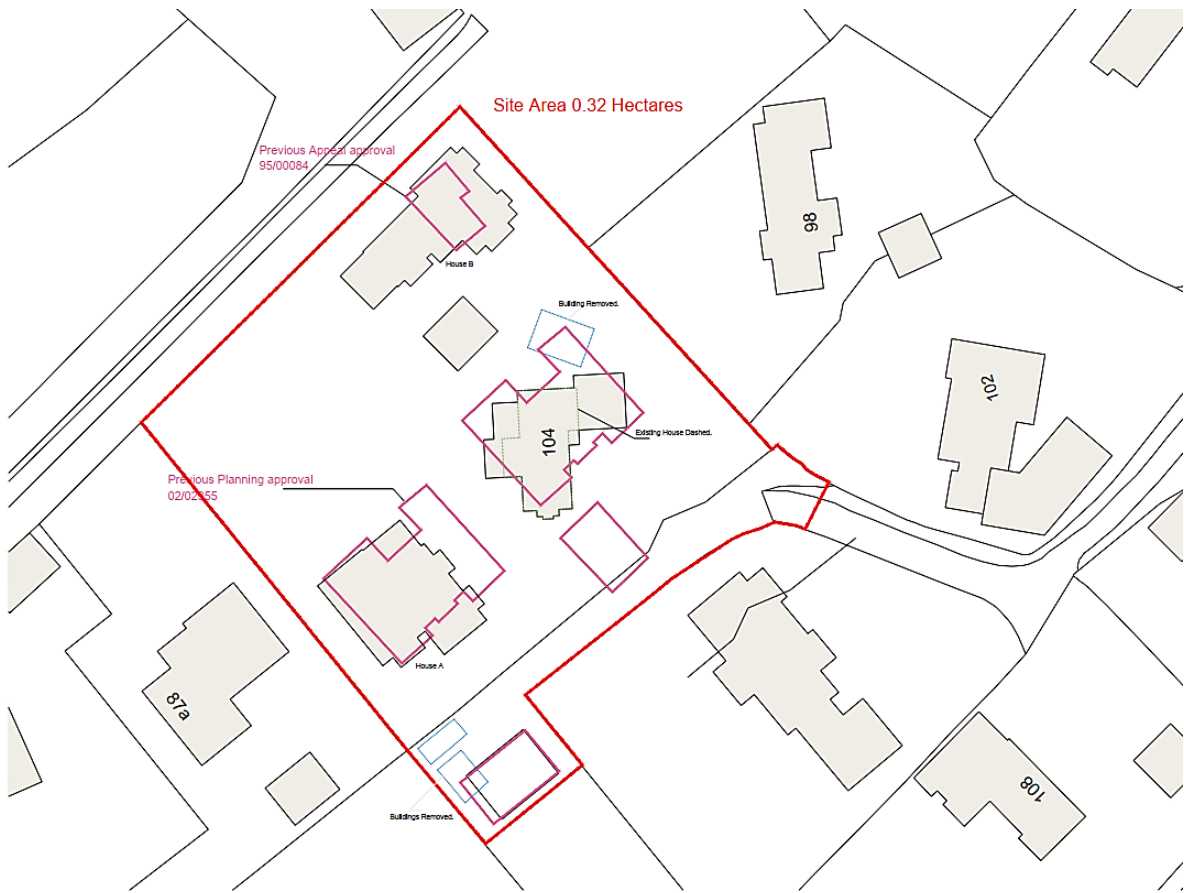
Scale 1:1,250  
Date 17/10/2023



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Ordnance Survey AC0000822250



BLOCK PLAN



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4.3 - 23/02516/FUL

Date expired 30 November 2023

Proposal:

Conversion of an existing barn to a 4 bedroom dwellinghouse incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, and creation of a new vehicular access. Removal of caravan and store unit.

Location:

Singles Cross Farm , Singles Cross Lane, Knockholt Kent TN14 7NG

Ward(s):

Halstead, Knockholt & Badgers Mount

**Item for decision**

This application has been called to Committee by Councillor Grint due to concern that the proposal would be inappropriate development in the Green Belt.

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 hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. COB/20/1098/202, 203, 205, 206 and SCF-PPC-00-XX-DR-C-600 (Rev P1).

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan Drawing No. COB/20/1098/ 202 and 203.

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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA or E of Part 1 of Schedule 2 to the said Order shall be carried out or made to the dwelling without the grant of planning permission by the local planning authority.

In order to protect the openness of the Metropolitan Green Belt in accordance with Policy GB7 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

5) The curtilage of the dwelling hereby approved shall be the land contained within the green line on the approved site plan (Drawing No. COB/20/1098/ 205).

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To prevent inappropriate development within the Green Belt and encroachment into the countryside as supported by the National Planning Policy Framework.

6) No permanent development shall be carried out on the hardstanding or the land surrounding the garage up to the existing pole barn, as shown on the approved site plan (Drawing No. COB/20/1098/ 205).

To provide adequate vehicle access, turning and parking within the site and to preserve the openness of the Green Belt, in accordance with policy EN1, GB7 and T2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

7) Within 3 months of the first occupation of the dwelling hereby approved, the existing linked building to the stables and store unit shall be demolished and all resulting materials removed from the site; and the existing caravan shall be removed from the site. There shall be no other buildings on the site other than those indicated on the proposed site plan (Drawing no. COB/20/1098/ 205) hereby approved.

To preserve the openness of the Green Belt and to comply with the aims of the National Planning Policy Framework.

8) No external lighting shall be installed on the building or within the curtilage of the site other than in accordance with an external lighting design plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting should be designed to minimise light spill and should be downward facing and on motion sensors. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and will be maintained as such thereafter.

To ensure the development does not cause harm to protected species and preserves the character of the surrounding area, in accordance with policy SP11 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby approved shall be carried out in accordance with the noise mitigation measures set out in the Noise Impact Assessment dated June 2023 and produced by Pace Consult.

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

10) No development hereby approved shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components: 1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and the detailed risk assessment referred to in and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency

action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

11) Prior to first occupation of any part of the development hereby approved, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with the National Planning Policy Framework.

12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework.

13) No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

14) The development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved in writing by the local planning authority in consultation with the (water undertaker and) EA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises shall take place until the installed scheme is confirmed as meeting the agreed specifications (and connections are made to the foul sewer network).

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

15) No development hereby approved shall commence until a scheme for the disposal of contaminated run off from all hardstandings, manure heaps, stable washings and hay soaking areas has been submitted, approved and implemented to the satisfaction of the Local

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Planning Authority. No contaminated run off shall be directed to a soakaway or any watercourse.

To prevent pollution of the water environment, in accordance with the National Planning Policy Framework.

16) Prior to the first occupation of any part of the development, the parking shown on Drawing No. COB/20/1098/ 205 shall be provided in full and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision in accordance with policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

17) The visibility splays for the new access shown on Drawing No. COB/20/1098/ 205 shall be maintained and shall be free from obstruction at all times.

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

18) Prior to development reaching the damp proof course, details of the location and type of an electrical vehicle charging point shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of the charging point and the appearance of the charging point. The approved charging point shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

19) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedge adjacent to Singles Cross Lane in accordance with BS5837:2012 Trees in Relation to Construction, shall be submitted to and approved in writing by the Local Planning Authority. The land so enclosed shall be kept clear of all contractors materials and machinery. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the hedge during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

20) Prior to first occupation of the development hereby approved, details of hard and soft landscaping for the site have been submitted to and approved in writing by the local planning authority. The details shall include: hard surfacing materials; planting plans; boundary treatments; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. All soft landscaping shall be implemented not later than the first planting season following the first occupation of any part of the development. All hard surfaces shall be laid in accordance with the approved details prior to the first occupation of any part of the development.

To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

21) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

To preserve the character and appearance of the area and to comply with policy EN1 of the Allocations and Development Management Plan.

22) Prior to the commencement of the development hereby approved, details of how the development will protect and enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include mitigation measures to avoid any impacts upon protected species (including great crested newts, hazel dormouse, breeding birds, and nesting birds) and ecological enhancements including, but not limited to, the provision of bat boxes, bird boxes and native planting. The approved details shall be implemented and thereafter retained.

To ensure the development does not cause harm to protected species and provides benefits to biodiversity, as supported by Policy SP11 of Sevenoaks District Council's Core Strategy.

#### **Informatives**

1) An appropriate Asbestos survey should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. Demolition must take into account the findings of this survey. It is also recommended that the Council's building control department is notified of the demolition.

2) Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

3) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this

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highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

### **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 located on the northern side of Singles Cross Lane, which falls within the parish of Knockholt. There are residential properties to the east and south of the site.

### **Description of proposal**

- 2 Conversion of an existing barn to a 4 bedroom dwellinghouse incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, and creation of a new vehicular access. Removal of caravan and store unit.



**Relevant planning history**

- 3 90/00624/HIST - Retention of pole barn and parking area and continued use of land for livery purposes (renewal of limited period permission SE/84/1392) - GRANT - 27/06/1990
- 4 99/01787/FUL- Construction of all-weather riding arena (20m x 40m) – GRANT - 20/12/1999
- 5 19/00212/FUL - Conversion of an existing barn to a 4 bedroom dwelling house incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, utilising existing vehicular access – GRANT - 26/04/2019
- 6 21/00658/FUL - Demolition of existing buildings and structures and their removal from the site, and erection of a new dwelling, stables and tractor shed with new access – REFUSE - 03/09/2021
- 7 22/00690/FUL - Demolition and removal of existing buildings, fuel tank and structures from the site (excluding some existing stables). Erection of a new dwelling, stables, store building and tractor sheds. Creation of visitor car parking. Associated landscaping – REFUSE - 21/09/2022

**Policies**

- 8 National Planning Policy Framework (NPPF)

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.

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:

- 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>6</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.

- 9 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP11 Biodiversity

- 10 Allocations and Development Management (ADMP)

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles

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- EN2 Amenity Protection
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- GB7 Re-use of a Building within the Green Belt
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of Electrical Vehicle Charging Points

### 11 Other

- Development in the Green Belt Supplementary Planning Document (SPD)

### Constraints

#### 12 The following constraints apply:

- Metropolitan Green Belt
- Adjacent to Ancient Woodland
- Adjacent to Tree Preservation Orders

### Consultations

#### 13 Knockholt Parish Council

#### 14 First response:

Objection. "We note a key issue of the demolition of the Tyler barn in exchange for the new build house which is currently subject to appeal, this could therefore have a great impact on this modified application.

Furthermore, we note a number of changes from the original application to this 'resubmission'.

We note the new entrance has not been confirmed by an LDC as was requested at the time."

#### 15 Second response following amendment:

No response received.

#### 16 SDC Environmental Health

#### 17 First response:

"No objection to this application but the following is recommended

#### 18 Noise

19 The Noise Assessment submitted by PaceConsult dated 1st June 2023 has been reviewed. The methodology and findings of the report are accepted. Provided that appropriate mitigation measures are put in place, internal noise levels will be in accordance with those given in BS8233:2014. The recommended measures are contained in section 7.2 of the report and provide building and window/glazing specifications and also appropriate trickle vents. Noise levels in the proposed external amenity areas have also been assessed with levels being slightly in excess of the

maximum levels given in BS8233. Mitigation is recommended in section 7.3 and comprises of a solid barrier (2.8m high with a density of 13kg.m<sup>2</sup>) to be erected around the garden.

- 20 It is recommended that an appropriately worded condition is attached to any planning permission requiring these noise mitigation measures to be incorporated into the build and also put in place prior to any occupation.
- 21 Contamination
- 22 Due to current/past use of the buildings as for agriculture and as stables/storage, a contamination assessment is required. The assessment should follow a phased risk based approach staged approach. Phase 1 should include a desk based assessment including a risk assessment and conceptual site model. The findings of this will determine whether a Phase 2 intrusive investigation, any remediation, a Remediation Strategy and Closure Report are required.
- 23 Demolition and Construction Environmental Management Plan
- 24 It is recommended that a condition requiring a Demolition and Construction Environmental Management Plan is attached to any planning permission. This is to ensure that there is no detrimental impact on other dwellings in the vicinity during the demolition, groundworks and construction. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. There should be no burning whatsoever on site.
- 25 Asbestos
- 26 Prior to the demolition of the existing building an appropriate Asbestos survey should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. Demolition must take into account the findings of this survey. It is also recommended that the Council's building control department is notified of the demolition.
- 27 External Lighting
- 28 Being a fairly rural area, ambient lighting levels are likely to be low. Any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".
- 29 Second response following amendment:  
No additional comments
- 30 SDC Tree Officer  
"No objections to the proposal."

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- 31 KCC Ecology
- 32 First response:
- 33 “We have commented on this site a number of times and most recently in July 2022 for application 22/00690/FUL. At that time we were satisfied that the ecological information was sufficient to inform the planning application.
- 34 However the ecological information is now over 2 years old and we advise that current pictures of the site are provided to enable us to consider if the ecological information is still valid or if an updated ecological survey is required.
- 35 If required the ecological survey will be required prior to determination of the planning application. We can provide more detailed advice on that requirement once the site photos have been provided.”
- 36 Further comments:
- 37 “We have commented on this site a number of times and most recently in July 2022 for application 22/00690/FUL. At that time we were satisfied that the ecological information was sufficient to inform the planning application however the survey data is now 2 years old and therefore we were concerned that the results may no longer be valid.
- 38 Photos provided by the planning officer have confirm that the site has not significantly changed since we previously commented on this application and therefore we advise that the following comments are broadly similar to those we provided for application 22/00690/FUL.
- 39 Summary
- 40 We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of mitigation and ecological enhancements is attached. Suggested wording is provided at the end of this document.
- 41 Protected Species
- 42 We have reviewed the submitted ecological report (Ecoassistance, March21) and have the following comments to make:
- 43 Bats
- 44 The Stables within the application site have been assessed as having low bat roosting suitability; all other buildings/structures and trees within the site have negligible potential.
- 45 The stables will therefore require a single bat emergence or re-entry survey to be carried out between mid-May and mid-September to establish presence or likely absence of roosting bats in line with current guidelines<sup>1</sup>. All bat species are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

- 46 Emergence surveys have been undertaken on the structure in question with a conclusion of likely absence (Ecoassistance, May21) and therefore, no further surveys or mitigation measures are required.
- 47 Great crested newts
- 48 We understand that GCN have been recorded within a pond within 50m of the proposed development site which has not been identified within the PEA. However due to the habitat within the proposed development being largely unsuitable for GCN we are satisfied that the impact on GCN can be avoid through the implementation of a precautionary mitigation strategy. We advise that this mitigation strategy is secured as a condition of any granted planning application; suggested wording is provided at the end of this document.
- 49 Other protected species
- 50 We note the precautionary mitigation measures for hazel dormouse, breeding birds, and reptiles and would advise that these measures are secured via planning condition; suggested wording is provided below:
- 51 Ecological Mitigation and Enhancements – Suggested condition wording:
- “Prior to the commencement of the development hereby approved, details of how the development will protect and enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include mitigation measures to avoid any impacts upon protected species (including great crested newts, hazel dormouse, breeding birds, and nesting birds). This strategy will also include clear ecological enhancement including, but not limited to, the provision of bat boxes, bird boxes and native planting. The approved details shall be implemented and thereafter retained.”
- 52 Ecological Enhancements
- 53 The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes.
- 54 We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with paragraph 175 of the NPPF (2023): “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.
- 55 We advise that details of the ecological enhancements must be submitted as part of the ecological mitigation condition (wording above).
- 56 Lighting
- 57 Lighting can have a negative impact on biodiversity and therefore we recommend that if planning permission is granted any lighting is designed to minimise light spill. We recommend the following points are included within any condition for lighting:
- All lighting downward facing
  - All lighting on motion sensors so it is only operational when required”

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- 58 No additional response received following amendments.
- 59 KCC Highways
- 60 First response:
- “Referring to the above description, 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.”
- 61 Second response following amendment (via email correspondence):
- “Looking at the width of the lane I can’t imagine anyone driving at more than 25mph, so I think the 2.4m x 33m visibility splays are adequate.
- 62 Highways would have no objection to the proposal provided the visibility splays are covered by a Condition to maintain the splays in the future.”
- 63 Environment Agency
- 64 “Environment Agency position
- 65 There is a risk to controlled waters from activities on site however the information submitted is sufficient that we may remove our objection and recommend the following conditions be attached to any permission granted. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.
- 66 The site overlies a Principal Aquifer and is within an SPZ3. Application 22/00690 referred to fuel tanks being present on site.
- 67 The previous agricultural/industrial/commercial use of these buildings/land may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the change of use and/or development works proposed. In particular, investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.
- 68 Contamination Condition 1: No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- 69 1. A preliminary risk assessment which has identified:
- all previous uses;
  - potential contaminants associated with those uses;

- a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- 70 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 71 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 72 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
- 73 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
- 74 Condition 2: Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 75 Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.
- 76 Condition 3: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 77 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.
- 78 Drainage Drainage Strategy dated July 2023 and Drainage layout plan drawing SCF-PPC-00-XX-DR-C-0201 rev P2 details Foul water to be discharged to public mains sewer and surface water to an attenuation pond. Should the as built plans be as detailed by these documents then the Environment Agency would have no objection to the LPA discharging the recommended drainage conditions as below.
- 79 The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with

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paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

- 80 Condition 4: No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 81 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.
- 82 Informative: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
- 83 Condition 5: Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved by, the local planning authority in consultation with the (water undertaker and) EA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications (and connections are made to the foul sewer network).
- 84 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
- 85 Condition 6: No development approved by this permission shall be commenced until a scheme for the disposal of contaminated run off from all hardstandings, manure heaps, stable washings and hay soaking areas has been submitted, approved and implemented to the satisfaction of the Local Planning Authority. No contaminated run off shall be directed to soakaway or any watercourse.
- 86 Reason: To prevent pollution of the water environment.
- 87 Informative: Manure must be stored at least 10 metres away from any watercourse and sited in accordance with the "Code of Good Agricultural Practice for the Protection of Waters" in order that there is no risk of polluting run-off entering controlled waters and causing pollution.
- 88 It is good practice to collect horse manure along with bedding materials and store it as manure heaps or so called "temporary field heaps". Temporary field heaps should be sited where there is no risk of run-off polluting watercourses. They should be at least 10 metres from a watercourse and 50 metres from a well, spring or borehole that supplies water for human consumption or for use in farm dairies.



- 89 Permanent manure stores should have an impermeable base that slopes so that runoff can be collected easily in a sealed underground tank. The best option for the disposal of manure is spreading on land where it is of agricultural benefit. If you are spreading your own manure and effluent you need to be aware of limitations on landspreading and nitrates directive/ nutrient management scheme restrictions on amount of landspreading/ nitrates input on farm land.
- 90 Informative: Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.”
- 91 Forestry Commission  
Standing advice provided.
- 92 Kent Wildlife Trust  
No responses received.
- 93 Natural England  
No responses received.
- 94 Thames Water
- 95 First response:  
  
“Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.  
  
Should the details of the application change, we would welcome the opportunity to be re-consulted.”
- 96 No additional response received following amendment.

### Representations

- 97 We have received 3 letters of objection relating to the following issues:
- Not a resubmission of the original application, includes the area which was proposed for the house which was refused and dismissed at appeal
  - Drainage and contamination
  - Land overlies a major aquifer
  - Increased curtilage
  - New access
  - Impact on trees
  - Ecology
  - Red denotes curtilage and blue is land in possession

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### Chief Planning Officer's appraisal

98 The main planning considerations are:

- Principle of development
- Impact on the Green Belt
- Design and impact on the character of the area
- Impact on residential amenities
- Noise and contamination
- Parking and Highways
- Trees and Landscaping
- Biodiversity
- Other issues

### Principle of development

- 99 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. Policy LO7 refers to development within rural settlements and states that these will be locations for small scale development. Elsewhere, development will only take place where it is compatible with policies to protect the Green Belt. Policy LO8 states that the extent of the Green Belt will be maintained.
- 100 The NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 150, certain forms of development are not considered inappropriate provided they preserve its openness and do not conflict with including land within it. This includes the re-use of a building.
- 101 Para 124 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.
- 102 The application site lies outside the settlement confines of Knockholt and is washed over by Green Belt. However, the development may meet the exception within the NPPF set out above relating to the re-use of a building. The development would also make more efficient use of the existing land for the delivery of housing.
- 103 In addition, it is noted that the conversion of the existing barn to a dwelling was granted under 19/00212/FUL. This consent has lapsed.
- 104 For these reasons, the principle of development may be accepted and supported on this site, subject to other considerations discussed below. The implications of the lack of a 5 year supply of land for housing in the Sevenoaks District is discussed further below, after it has been assessed whether the proposals conflict with the policies in the NPPF relating to protected areas, such as the Green Belt.

### Impact on the Green Belt

- 105 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the re-use of buildings provided that the buildings are of permanent and substantial construction. Paragraph 147 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

- 106 Paragraph 148 of the NPPF advises we should give substantial weight 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 other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 107 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 108 Assessment against policy and impact on openness
- 109 Conversion of existing barn to a dwelling
- 110 As mentioned above, the NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 150(d) certain forms of development are not inappropriate including “the re-use of buildings provided that the buildings are of permanent and substantial construction” and provided that the development preserves the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 111 Policy GB7 provides the local policy on the re-use of a building within the Green Belt. It states that proposals will be permitted if the following criteria is met:
- a) The proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
  - b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction that would detract from their original character.
- 112 Where the proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.
- 113 Based on the information submitted, the proposed conversion of the barn to a residential dwelling would not materially harm the openness of the Green Belt or conflict with the purposes of including the land within it when compared to the present use of the building. This is because there would be no change to the overall scale, form, footprint, bulk, volume or height of the barn as a result of the development. Externally, the development would see the introduction of window and door openings and Juliet balconies but these would not extend beyond the existing built footprint of the building. The northern elevation of the existing building is, at present, open which allows some visibility through the building. This elevation would be enclosed as part of the proposals. However, for the reasons already set out above, it is my view that there would not be an increase in harm to the openness of the Green Belt as a result of the building being of entirely solid construction.
- 114 The proposed garden amenity space, which extends up to the proposed garage, is modest and the associated landscaping would not introduce any significant bulk or

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additional built form to the site. The proposed bin store would be viewed as part of the residential paraphernalia and would sit comfortably within the garden area of the proposed dwelling without having an adverse impact on the openness of the Green Belt.

- 115 It is also noted that the barn forms part of an existing cluster of buildings and, as such, its conversion would not appear to encroach upon the open fields or countryside beyond. The surrounding fields to the north, east and west would remain open and undeveloped. Therefore, it is considered that the visual impact of the conversion on the openness of the Green Belt would be limited.
- 116 There is the potential for additional paraphernalia to be introduced to the site in association with the proposed dwelling which could have an impact on openness. However, it is my view that this potential harm could be appropriately mitigated by a condition for the removal of permitted development rights for extensions and outbuildings to the proposed dwelling. This would enable the Council to control any future development at the site so that the openness of the Green Belt can be preserved.
- 117 I note that the curtilage of the dwelling, as approved in 2019, was smaller. It did not include the hardstanding to the front of the garage which extends up to the existing pole barn within the wider site. However, the hardstanding provides access to the proposed dwelling, the garage and parking. It also provides sufficient turning space within the site so that vehicles can enter and exit the site in a forward gear from the proposed new access. For these reasons, it is therefore necessary for this part of the land to be included within the curtilage. However, it should not be assumed that it can be developed. In this regard, a condition could be included to restrict any permanent development taking place on the area of hardstanding and the land surrounding the garage as indicated by the green line on the proposed site plan. This would ensure that sufficient space for vehicle turning and adequate vehicle parking can be maintained within the site at all times and, subsequently, protect the openness of the Green Belt from further development.
- 118 A structural assessment has been provided as part of the application. In summary, this document states that the building, i.e. the ground slab and main frame, is sound and not in need of major reconstruction and can remain standing as existing throughout the construction process. Having carried out a site visit, I am also satisfied that the building is of permanent and substantial construction and that the development would not require major or complete reconstruction of the building. It is noted that the conversion works would involve the recladding of the walls of the building and the installation of new roof tiles, as well as the creation of window and door openings. However, as set out in the officer's report for 2019 application and numerous appeal decisions, such works do not amount to major reconstruction. They are considered to be alterations to a building.
- 119 It is not considered necessary for the applicant to demonstrate that there is no longer an agricultural need for the building as aerial imagery available to the Council demonstrates that the existing building has been in situ for more than 10 years.
- 120 Overall, it can be concluded that the conversion of the barn to a residential dwelling would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal would therefore be appropriate development in the Green Belt by definition, in accordance with policy GB7 of the ADMP and the NPPF, subject to conditions.

- 121 Demolition of linked building, removal of caravan and store unit and erection of garage with cycle store
- 122 The application also proposes a detached garage which would be located more than 5 metres away from the converted barn. This would constitute a new building and would not meet any of the exceptions listed in paragraph 149 or 150 of the NPPF. The proposed garage would therefore be inappropriate development in the Green Belt by definition.
- 123 It is noted, however, that the building which adjoins the existing barn on site would be demolished as part of the proposals along with a store unit to the west of the barn. A caravan is also proposed to be removed. This is a material consideration which may amount to or contribute to a case for very special circumstances for the proposed garage. This issue is considered in more detail towards the end of this report.

### **Design and impact on the character of the area**

- 124 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.
- 125 A new access is proposed to the west of the barn from Singles Cross Lane. Whilst this could be more intensive than the existing use of site, the overall appearance of the development would not be significantly different when viewed within the street scene.
- 126 The existing barn is of a simple form and character with little animation. Its design and form would appear typical of a building with agricultural origins and the building sits comfortably within its rural setting.
- 127 In the context of the wider area, the existing barn is located within an existing complex of agricultural and equestrian buildings. The barn is located on the northern side of Singles Cross Lane. There are residential properties immediately to the east of the site and there are other residential properties located to the south, along Blueberry Lane. The existing barn is partially visible in the street scene when approaching the site from the east and west of Singles Cross Lane. However, the site and the barn are largely screened by the existing landscaping along the southern boundary of the site. As such, the existing barn does not appear as an unduly dominant feature within the street scene and sits quietly amongst its surroundings. This would continue to be the case after the building is converted to a dwelling as there would be no change to the overall scale, form, bulk or height of the development that would significantly alter the visibility or prominence of the building within the street scene. The landscaping along the southern boundary would also be retained which would help to soften and screen the development from the lane. The proposed garage would be screened within the street scene by the intervening built form within the site.
- 128 In addition, it is considered that the works to convert the building into a dwelling would adequately respect the rural character of the site and the surrounding area. The converted building would appear residential, however, it would maintain a fairly simple design and appearance. The material palette, which would consist of grey slate roof tiles, black weatherboarding and white painted render, would respect the rural setting and the character and appearance of the surrounding residential properties. The amount of window and door openings and the use of glazing at high level would not go beyond that which would be reasonable expected for a residential building. As

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such, it is considered that the dwelling would not appear as an unduly prominent or visually intrusive feature in the street scene.

- 129 As previously mentioned, the proposed garage would be of a simple design and form and a modest size. The roof of the garage would consist of plain clay roof tiles and the walls would be constructed of weatherboarding to match the converted the barn. This would create a visual link between the two buildings.
- 130 The parts of the site surrounding the converted barn, garage and garden area and the area leading up to the proposed new access, would be characterised predominantly by hardstanding to provide the associated parking, turning areas and driveway. This is to be expected given the residential use of the site. The surrounding residential properties along Singles Cross Lane, Blueberry Lane and Pound Lane all have their own accesses and driveways and are an established part of the rural landscape.
- 131 Details of external lighting could be secured by a condition to ensure that any lighting respects the rural setting and does not result in an excessive amount of light spillage.
- 132 In light of the above, it is considered that the design and appearance of the development would not have a detrimental impact on the character and appearance of the surrounding area and would comply with policy SP1 of the Core Strategy, policy EN1 of the ADMP and the NPPF.

### Residential Amenity

- 133 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 134 Neighbouring properties
- 135 The proposed dwelling would be located a sufficient distance away from the immediate neighbouring properties to the east of the site, 6 and 7 Singles Cross Cottages (approx. 42 metres), and the residential properties to the south along Blueberry Lane (approx. 66 metres at the closest point). It is therefore considered that the proposed development would not result in a harmful loss of light, outlook or privacy to the main windows or private amenity areas of these properties.
- 136 Proposed development
- 137 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 138 The proposed internal layout and room sizes would be acceptable and would meet National Space Standards. The dwelling would provide satisfactory natural light from sunlight and daylight.
- 139 The surrounding garden area would be of a sufficient size to serve the recreational needs of future occupiers and the boundary treatments would ensure good levels of privacy.

140 Noise and disturbance

141 Paragraph 130 of the NPPF states that planning decisions should ensure a high standard of amenity for existing and future users.

142 Furthermore, paragraph 185 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

143 Policy EN7 states that proposals will be permitted where a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.

144 The proposed dwelling would be located in close proximity to existing stables and a sand school within the wider site, which in the future could come under different ownership. The application is accompanied by a noise impact assessment. The Council's Environmental Health team have reviewed the assessment and, provided that the proposed mitigation measures contained within the assessment are incorporated into the development, they raise no objection to the proposals and consider that the internal and external noise levels for the proposed dwelling would be adequate. The proposed mitigation measures can be secured by a condition.

145 Contamination

146 As land has been used for both agricultural and equestrian purposes, contaminants may have been introduced to the site. The Council's Environmental Health team have therefore recommended that a phased contamination assessment should be undertaken. An informative is also recommended regarding asbestos.

147 Notwithstanding the above, it is noted that the site is located on a principal aquifer and there could be risks to groundwater if drainage is not appropriately managed. The application is accompanied by a drainage strategy and layout plan which the Environment Agency have reviewed. They raise no objection to the proposal subject to a number of conditions relating to contamination investigations, unexpected contamination and drainage. A number of informatives are also recommended relating to these issues. The conditions and informatives are considered appropriate in order to ensure that the development would not pose any contamination risks and would not harm the amenities of future occupiers.

148 In light of all of the above, and subject to the recommended conditions, it is considered that the proposed development would preserve the amenities of surrounding neighbouring properties and would provide adequate amenities for future occupiers of the proposed dwelling, in accordance with policy EN2 and EN7 of the ADMP.

**Parking and Highways Impact**

149 Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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- 150 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 4 bedrooms require 2 parking spaces.
- 151 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 152 A new access is proposed from Singles Cross Lane. In my view, the provision of the new access and its use by one residential dwelling would not have a harmful impact on highways and pedestrian safety. The frequency of use of the access by one dwelling is likely to be low and there is sufficient space within the site for vehicles to manoeuvre so that they can enter and exit the site in a forward gear. The proposed site plan shows that there would be adequately visibility splays to the east and west of the access and the access would not be situated in close proximity to the road junction to the east. As such, vehicles could emerge onto the road safely and pedestrians should not be hidden from the view of drivers. The access would also be wide enough for a single width access serving one dwelling.
- 153 The proposed garage would provide sufficient space for the parking of two cars and it is noted that visitor parking is also proposed within the wider site. The provision and permanent retention of the proposed parking could be secured by a condition, along with details of an electric vehicle charging point.
- 154 It is noted that KCC Highways raise no objection to the proposal, subject to the visibility splays being secured by a condition.
- 155 The proposal would therefore comply with policy EN1, T2 and T3 of the ADMP and the NPPF, subject to conditions.

### **Trees and Landscaping**

- 156 There are no protected trees on site and no trees are proposed to be removed as part of the proposals. The proposed development would take place outside of the 15m buffer zone for the Ancient Woodland which is situated to the south west of the site and would not be in close proximity to any protected trees. The Council's Tree Officer raises no objection to the proposals.
- 157 As per the Officer's report for 2019 permission, tree protection measures for the hedge along the southern boundary of the site could be secured by a condition to ensure it is adequately protected during the construction stage and can be retained. In my view, the existing hedge contributes positively to the rural character of the area.
- 158 Full details of hard and soft landscaping across the site could also be secured by a condition to ensure that they adequately respect the character of the surrounding area.

### **Biodiversity**

- 159 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 160 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Bat Emergency Survey, which KCC Ecology have reviewed alongside site visit



photographs. They consider the submitted information to be sufficient to demonstrate that the proposals would not have a harmful impact on protected species. They have recommended that the precautionary mitigation measures set out in the PEA for great crested newts, hazel dormouse and breeding birds be secured by a condition, along with ecological enhancements and details of external lighting. These are considered necessary to ensure that the development would not cause harm to protected species and can provide benefits to biodiversity.

- 161 The proposal would therefore comply with policy SP11 of the Core Strategy, subject to conditions.

### Assessment of any Very Special Circumstances

- 162 Para 144 of the NPPF states that when considering any planning application, we 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.

- 163 The harm in this case has been identified as:

- The harm in principle to the openness of the Green belt through inappropriate development (the proposed garage) which should be given significant weight.

- 164 Possible very special circumstances – these can be summarised as:

- The proposed development, due to the removal of existing buildings and structures on the site, would result in an overall reduction in built footprint and the spread of development across the site.

- 165 As previously mentioned, the proposed garage would constitute a new building and would not meet any of the exceptions listed within the NPPF. The proposed garage would therefore constitute inappropriate development, which is harmful to the openness in the Green Belt by definition.

- 166 However, the proposed garage could be justified by the removal of the building which adjoins the existing barn on site, along with the store unit to the west of the barn if, when viewed as a whole, the development would subsequently result in a reduction in built footprint and the spread of development across the site.

- 167 The building adjoining the existing barn on site and the store unit to the west would have a combined floor space of 39.46sqm. The proposed garage would have a floor space of 34.33sqm. The development would therefore result in a small reduction in built footprint on the site.

- 168 A caravan is also proposed to be removed. While this does not contribute towards the existing built form on site, it is acknowledged that its removal as part of the proposals would assist with reducing the spread of development across the site.

- 169 The demolition of the buildings and the removal of the caravan could be secured by a condition.

- 170 The proposed development, when considered as a whole, would therefore consolidate the built form on site and result in an overall reduction in built footprint.

## Agenda Item 4.3

- 171 It is therefore concluded that the case for very special circumstances would clearly outweigh the harm to the Green Belt identified in this instance.

### Other issues

- 172 Parish Council and Public Comments
- 173 Concerns raised by the parish council and during public consultation which have not already been addressed within the report are considered below.
- 174 The implication of 22/00690/FUL, which is currently at appeal
- 175 22/00690/FUL sought the demolition and removal of existing buildings, fuel tank and structures from the site (excluding some existing stables); and erection of a new dwelling, stables, store building and tractor sheds; creation of visitor car parking; and associated landscaping. This application was refused and is currently at appeal. The Parish Council consider that this could have an impact on the current application.
- 176 The application at appeal relates to the redevelopment of the wider site and the creation of a new dwelling, which is a completely different proposal to this current application. Different green belt policies apply and therefore the appeal is not comparable. The possibility that a new dwelling could be erected on the wider site, if 22/00690/FUL were to be allowed at appeal, would not be an appropriate planning reason for refusing the current application.
- 177 There have been a number of changes from the original application to this 'resubmission'
- 178 The changes following the grant of the 2019 application are the creation of a new vehicular access to the west of the existing barn and the removal of a caravan and store unit. These have been considered within the report above. It is noted that public comments have referred to a change in the size of the curtilage of the proposed dwelling. However, as already mentioned, the curtilage of the dwelling can be controlled by a condition.
- 179 The new entrance has not been confirmed by an LDC as was requested at the time
- 180 The proposal description has been amended during the course of the application to include the creation of the new access to the west of the existing barn. The applicant is not seeking to demonstrate that it is a lawful, existing access and therefore an LDC, or evidence to demonstrate lawfulness, is not required in this instance. The acceptability of the new access has been assessed against local and national planning policies.
- 181 The application includes the area which was proposed for the house which was refused and currently at appeal
- 182 The location plans include the land and buildings relating to 22/00690/FUL within the red line boundary of ownership. However, the development does not relate to this part of the site.
- 183 Increased curtilage- red donates curtilage and blue is land in possession
- 184 The red line boundary on the submitted plans does not represent the curtilage of the proposed dwelling. It indicates the land within the application site that is in ownership

of the applicant. The blue land includes other land that is in ownership of the applicant but not within the application site.

185 As previously mentioned, the curtilage of the proposed dwelling can be controlled by a condition so that it does not include all of the land within the red line boundary, only the land that is closely associated with the new dwelling, similar to the 2019 application, as indicated by the green line on the proposed site plan.

186 Ownership issues

187 Concern has been raised during the course of the application by a local ward member regarding ownership. They have raised that the land adjacent to the stables may not be within the ownership of the applicant. The applicant has signed Certificate A within the submitted application form which indicates that they own all of the land within the red line boundary. I have not been presented with any evidence to demonstrate otherwise. It should be noted that no works are proposed to the eastern side of the stables in any event.

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

188 This proposal is CIL liable and there is no application for an exemption.

### **Planning balance and Conclusion**

189 As the Council cannot demonstrate a 5 year housing supply at this time, the 'tilted balance' of NPPF paragraph 11d) is engaged. This means, in this instance, that planning permission should be granted unless there adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

190 The proposal would make a welcome contribution to the District's Housing Stock, which is supported by the Council's policies.

191 Other issues within consultation responses can be dealt with by planning conditions. This is compliant with the aims of the Government's Planning Practice Guidance. It states "...conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."

192 The case for very special circumstances would clearly outweigh the harm identified to the Green Belt and, in every other respect, the proposal would be an acceptable form of development and would comply with local and national policies, subject to the recommended conditions.

### **Recommendation**

193 It is therefore recommended that this application is granted.

## Agenda Item 4.3

### Background papers

Site and block plan

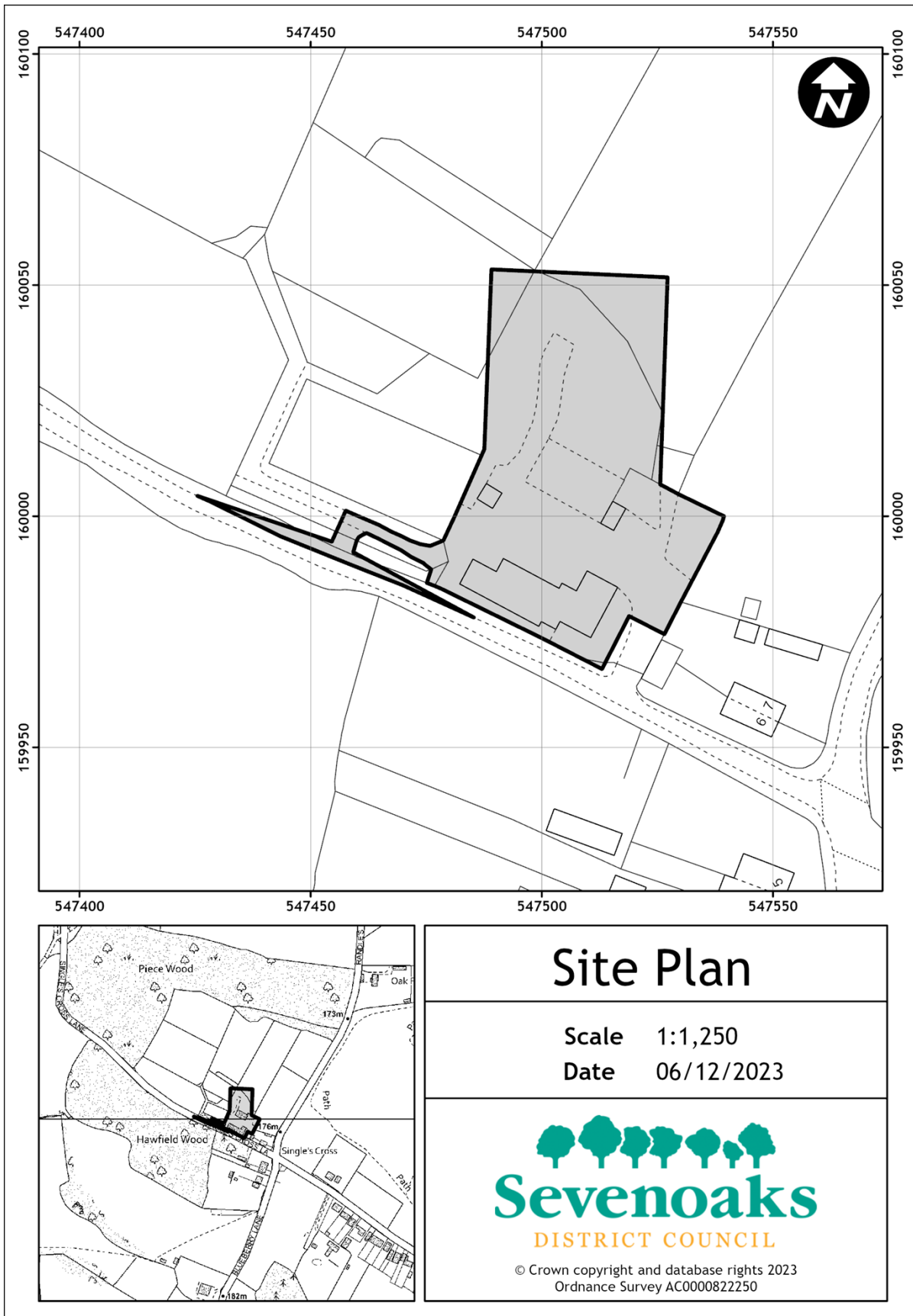
Contact Officer(s):

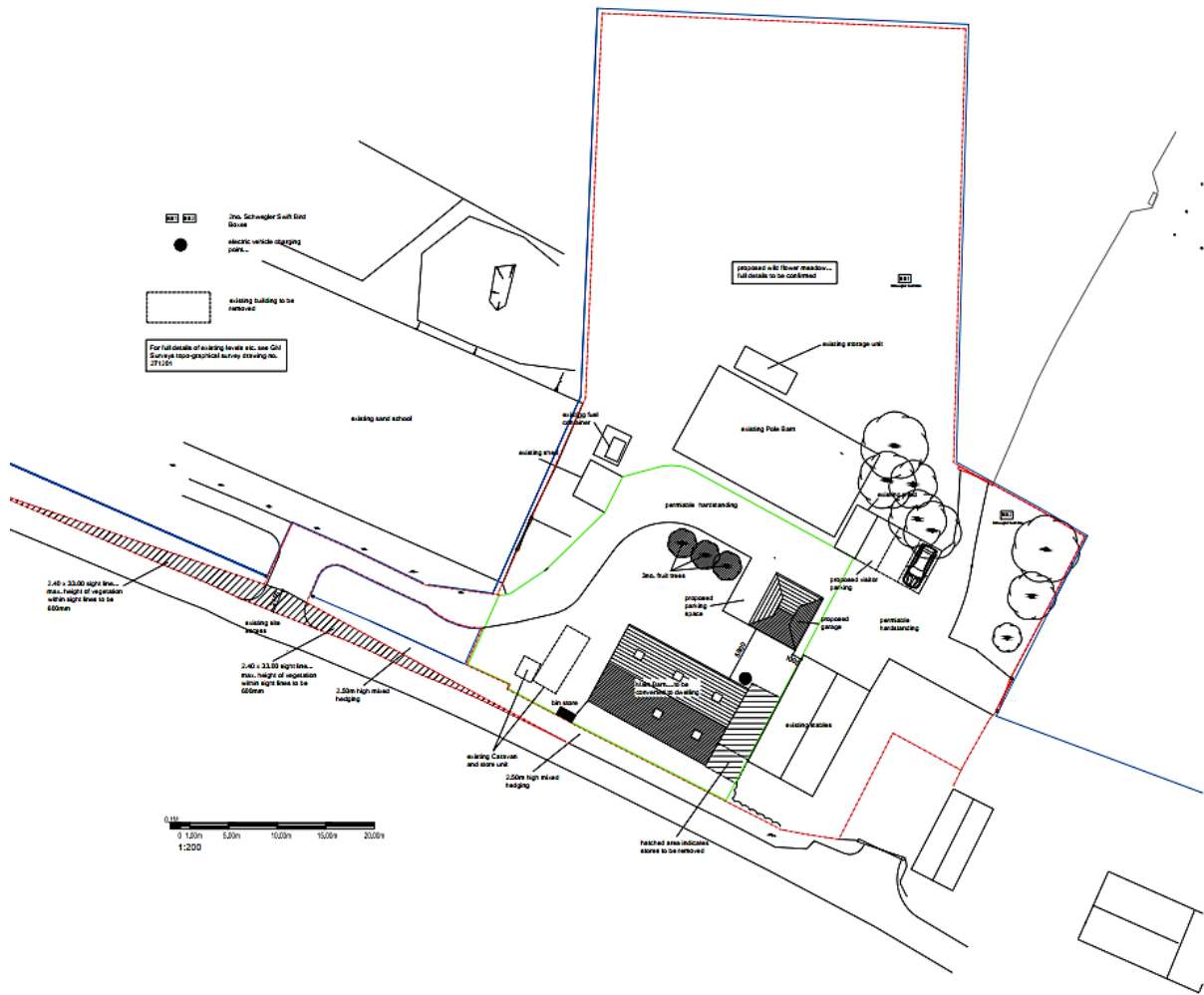
Hayley Nixon: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)





Planning Application Information on Public Access - for applications coming to  
DC Committee on Thursday 04 January 2024

**4.1 23/00505/FUL - Land North West Of Little Browns Railway Bridge, Hilders Lane**

**Edenbridge, Kent**

[Link to application details:](#)

[Link to associated documents:](#)

**4.2 23/02344/FUL - Chance Cottage, 104 Oakhill Road, Sevenoaks, Kent TN13 1NU**

[Link to application details:](#)

[Link to associated documents:](#)

**4.3 23/02516/FUL - Singles Cross Farm, Singles Cross Lane, Knockholt, Kent TN14 7NG**

[Link to application details:](#)

[Link to associated documents:](#)

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