

4.1 – SE/13/00230/FUL Date expired 21 March 2013

PROPOSAL: Conversion of part of existing domestic stable building to provide a two bedroom dwelling house

LOCATION: The Dyehurst Stud, Greenlands Farm, Uckfield Lane, Hever TN8 7LN

WARD(S): Cowden & Hever

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Neal who is of the opinion that the proposal constitutes inappropriate development in the Green Belt.

RECOMMENDATION A: That subject to receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution within two months of the decision of the Development Control Committee, that authority be delegated to the Chief Executive to GRANT planning permission 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 occupation of the dwelling shall be limited to a person or persons who have horses stabled in the adjoining stables or are employed by the owner of the adjoining stable building.

To safeguard the residential amenity of the future occupants of the dwelling.

3) No development shall be carried out on the land until details of the fence to be erected adjacent to the existing barn and outbuilding have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details and the fence shall be retained thereafter.

To safeguard the rural character of the area as supported by the National Planning Policy Framework.

4) The car parking areas shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

5) The conversion of the building to a dwelling shall be designed to achieve BREEAM "Very Good" standards, unless agreed otherwise in writing by the Local Planning Authority. The following details shall also be provided to the Local Authority - i) No development shall commence until details have been provided to show how it is intended the development will achieve BREEAM "Very Good" standards, or alternative as agreed in writing by the Local Planning Authority; and ii) No occupation shall take place until details have been provided to show that the development has achieved BREEAM "Very Good"

standards or alternative as agreed in writing by the Local Planning Authority, through the submission of a post-development certificate from an appropriate assessor.

In the interests of environmental sustainability and reducing the risk of climate change as supported by policy SP2 of the Sevenoaks Core Strategy.

6) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

7) No building or enclosure shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

8) No boundary walls, fences or other means of enclosure, other than those shown on the approved plans, shall be erected on the site boundary of the holiday let accommodation, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

9) The dwelling shall not be occupied until details of any external lighting required for the dwelling have been submitted to and approved in writing by the Council. Any lighting scheme shall be designed to be sensitive to bats and in accordance with best practice guidelines contained within the document "Bats and Lighting in the UK" by the Bat Conservation Trust. The scheme shall be implemented in accordance with the approved details and shall thereafter be maintained in full working order at all times.

In the interests of biodiversity and nature conservation, in accordance with policy SP11 of the Sevenoaks Core Strategy.

10) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

11) Soft landscape works shall be carried out before first occupation of the dwelling. The landscape works shall be carried out in accordance with the approved details.

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

12) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

13) No development shall be carried out on the land until details of the internal wall to be erected between the approved dwelling and retained stables have been submitted to and approved in writing by the Council. The details shall include information as to what the construction of the wall would comprise and how the wall would provide acoustic separation between the dwelling and stables. The development shall be carried out in accordance with the approved details and the internal wall shall be retained thereafter.

To safeguard the residential amenity of the occupiers of neighbouring properties and the future occupants of the dwelling.

14) No development shall be carried out on the land until a phase I desk top contamination study has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommendations of the approved study.

To safeguard the residential amenity of the future occupants of the dwelling.

15) The development hereby permitted shall be carried out in accordance with the following approved plans: DH02, DH03, DH03a, DH04, DH05, and DH06.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, GB3A and SR9

Sevenoaks District Core Strategy 2011 - Policies L01, L08, SP1, SP2, SP3, SP5 and SP11

The following is a summary of the main reasons for the decision:

The development is considered to be appropriate development within the Metropolitan Green Belt.

The proposed development would conserve the distinctive character and the setting of the Area of Outstanding Natural Beauty.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

Informatives

1) The Environment Agency should be consulted regarding the use of any package treatment plant proposed to be installed for the dwelling and if a public sewer is found on site during works the applicant should contact Southern Water to discuss prior to further works commencing on site.

2) It is suggested that as part of the submission of details in relation to condition 9 that native local provenance species are incorporated into the soft landscaping scheme.

RECOMMENDATION B: In the event that the legal agreement is not completed within

two months of the decision of the Development Control Committee, the application be REFUSED for the following reason:-

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

Description of Proposal

- 1 The application seeks the approval of the conversion of part of the existing barn building to a two bedroom dwelling. Works to the building necessary to enable the conversion would involve no external alterations, only internal works to provide the layout of the proposed house separate from the area of retained stabling. An area designated as residential curtilage for the property would wrap around the eastern and northern sides of the building, and would partly lie adjacent to the existing residential curtilage of the main house, Greenlands Farm. Access to the building and parking would be provided via the existing access onto the lane to the south of the site and the existing hard standing on site.
- 2 The application follows the recent approval of consent for a holiday let for the same part of the building. The proposal was previously judged to be acceptable by the Development Control Committee. The only change represented by this application is the fact that the property would become a dwelling rather than a holiday let, both of which fall within use class C3 of the Use Classes Order.

Description of Site

- 3 The application site comprises a large open paddock, which lies directly adjacent to the rear boundary of the main house, and contains a barn building. The site lies on the east side of Uckfield Lane just to the south of the junction with Pigdown Lane. The site is accessed via a driveway from the lane to the south. The site is relatively level and is generally bounded by mature hedging that is well maintained.

Constraints

- 4 The site lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty (AONB).

Policies

Sevenoaks District Core Strategy

- 5 Policies – L01, L08, SP1, SP2, SP3, SP5 and SP11

Sevenoaks District Local Plan

- 6 Policies – EN1, GB3A and SR9

Others

- 7 The National Planning Policy Framework (NPPF)

Planning History

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|----|-------------|---|
| 9 | SE/12/01062 | Conversion of part of existing barn to separate 2 no. bed holiday let. Granted 03.08.12 |
| 10 | SE/12/00100 | Conversion of part of existing barn to separate 2 no. bed holiday let. Refused 20.03.12. |
| 11 | SE/09/01486 | Change of use of existing stable barn to a 2 no. bed holiday let. Withdrawn. |
| 12 | SE/04/02071 | Demolition of existing barn and erection of 6 stables, tack room, feed room plus new access and boundary fencing and gates. Granted 24.09.04. |

Consultations

Parish / Town Council

- 13 Comments received on 20.02.13 – “We object to the application due to it being an inappropriate development in the green belt. Furthermore, we have grave concerns about the approach taken by the applicant to this application”.

Natural England

- 14 Comments received on 12.02.13. “No objection raised – see file note for full comments”.

KCC Biodiversity Officer

- 15 Comments received on 21.02.13. “No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), the information submitted with the planning application and photos provided by the planning officer we are satisfied that the proposed development has limited potential to impact roosting bats.

This is because the photos provided by the planning officer show that the barn is in good condition limiting its suitability to contain features suitable for roosting bats.

We require no additional information to be submitted for comments prior to determination of the planning application.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The site plan shows that a garden is being created as part of the development – we recommend that native local provenance species are incorporated in to the site”.

Kent Highways Engineer

- 16 Comments received on 19.02.13. 'I confirm I have no objection to the proposal on any highways grounds.'

Environmental Health Officer

- 17 Comments received on 27.03.13: The Environmental Health Officer raised no objection to the proposal subject to the inclusion of a condition requiring details of the construction of the party wall that would separate the proposed house from the retained stables and a condition requiring a desk top contamination study of the site.

The details of the wall should confirm a solid structure to prevent any seepage from manure and acoustic separation of the dwelling from the stables.

Southern Water

- 18 Comments received on 18.02.13. No objection raised – see file note for full comments.

Representations

- 19 Twenty-seven letters of representation have been received. Twelve letters have been received in support making the following points:
- A holiday let use is acceptable and so it follows that a dwelling is acceptable;
 - No impact to the Green Belt;
 - Improved appearance of the site;
 - Dwelling preferable to a holiday let since it would mean reduced traffic to the site;
 - The need for this type of accommodation; and
 - Additional security because there would only be one occupant if a dwelling is approved.
- 20 The fifteen letters of objection received have raised objection to the application on the following grounds:
- Appearance of the development;
 - Visual amenity;
 - Layout and density;
 - Impact on the Green Belt;
 - Impact on the AONB;
 - Unsustainable development;
 - The way in which the application has been submitted;
 - Use of the existing building; and
 - Setting of a precedent.

Group Manager Planning Services Appraisal

Principal Issues

Impact on the Green Belt –

- 21 Paragraph 90 of the NPPF states that the re-use of buildings is not inappropriate in Green Belt provided they preserve the openness of the Green Belt, do not conflict with the purposes of including land in Green Belt and provided that the buildings are of permanent and substantial construction.
- 22 Policy GB3A of the Local Plan states that the Council will permit the re-use of buildings within the Green Belt providing the proposal complies with the following criteria:
- The proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
 - The buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction; and
 - The form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials.

I therefore consider that this policy is broadly consistent with the NPPF.

- 23 On visiting the site it is evident that the building is of a solid construction, particularly since it was only recently built. In addition, the building is of a design in keeping with its surroundings and would continue to respect local building styles and materials. The building has been finished with timber boarding and a slate tile roof, and has the appearance of a domestic building rather than one which would be used for agricultural type purposes, in this case stabling.
- 24 In addition, the application recently submitted for a holiday let was accompanied by a structural appraisal of the existing building. This report concluded that the building is capable of conversion without any major structural works since the structure complies with existing building regulations standards. Given the nature of the building little would have changed since the structural survey was completed.
- 25 The appearance and use of the existing building are matters raised by representations received. However, the building is lawful, having received planning permission in 2004 (SE/04/02071) and it is evident from my visit to the site that it continues to be used for the purposes it was constructed for.
- 26 The use of part of the building as a dwelling would have an impact on the openness of the Green Belt and the purposes of including the site within it. The question is whether this impact would be materially greater than the existing use. The view taken when considering the recent application for the holiday let was that the proposed use would not have a materially greater impact since the application clearly defined a small exterior amenity area, which would be located adjacent to the curtilage of the main house, Greenlands Farm, and would limit the spread of the proposed residential use and the paraphernalia that would come with it. The external area would therefore be viewed in the context of the existing

residential curtilage of Greenlands Farm. In addition, it is also the case that the access to the site exists as does an area of hard standing for parking.

- 27 What also needs to be taken into consideration is the fact that a holiday let use has been approved for the same part of the building, incorporating the same external amenity area. This is material since the holiday let use falls within the same use class as a dwelling.
- 28 I would therefore conclude that the introduction of a residential use to the site would preserve the openness of the Green Belt, would not conflict with the purposes of including land in Green Belt and the building is of a permanent and substantial construction.
- 29 In my opinion the proposal therefore constitutes appropriate development in the Green Belt.

Impact on the landscape character of the AONB –

- 30 Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 31 Policy LO8 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. I therefore consider that this policy is broadly consistent with the NPPF.
- 32 The existing building lies within close proximity to the main house and the detached ancillary outbuilding located to the rear of the main house. The external alterations to the building would be minimal and any introduction of paraphernalia associated with the proposed residential use would be viewed within the backdrop of the existing residential use of the main house.
- 34 The proposal would therefore conserve the distinctive character and the setting of the AONB.

Impact on neighbouring amenity and the amenity of future occupiers –

- 35 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 36 The site lies sufficient distance away from neighbouring properties not to have a detrimental harm on neighbouring amenities. Indeed, according to information currently held by the Council, the existing building currently lies about 50m away from Greenlands Farm and about 100m away from Woodside, located to the south-west of the site.
- 37 In addition, the Environmental Health Officer has raised no objection to the proposal in terms of a potential impact on the amenities of the future occupiers of the property. This is subject to the submission of further information relating to the construction of the wall, to ensure acoustic isolation of the house and to prevent seepage of manure and urine through the wall, and a desk top contamination study, to ensure no contamination exists on the site.

- 38 I do not believe that these requirements go far enough to protect the amenities of future occupants of the dwelling. This is because the proposal comprises the creation of a residential unit in close proximity to a stable building and it is very likely that the stable use would create an environment that would harm the amenities of any individual living in the dwelling who did not have a direct interest in the stables.
- 39 Guidance in relation to the siting of stables and distances from unrelated residential buildings, held in Appendix 3 of the Local Plan and referred to in policy SR9, states that the distance of separation should be at least 30m. This is to protect the amenity of the occupiers of any adjacent unrelated residential buildings.
- 40 Reversing the situation, as is the case here, it is clear that there is a strong possibility that the use of the stable building would have a significant impact on the amenities of the future occupiers of the proposed dwelling. As such, I consider that, together with the conditions suggested by the Environmental Health Officer, a condition controlling the use of the proposed residential unit would further protect the amenities of future occupiers of the property since there would be an expectation from occupants that disturbances from the stables could occur.
- 41 With the conditions suggested above attached to any approval of consent I believe that the proposal would therefore preserve the amenities currently enjoyed by the occupiers of neighbouring properties and the amenities of future occupants of the dwelling.

Other Issues

Parking provision and highways safety –

- 42 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 43 As confirmed by the comments received by the Highways Engineer the proposal is acceptable in terms of the parking provision proposed for the new dwelling as is the continued use of the existing vehicular access on to the site.

Biodiversity –

- 44 No objection has been raised by the KCC Biodiversity Officer. It has been previously indicated that consideration for bats should be given in the design of any external lighting scheme. This can be dealt with by way of condition on any approval of consent.

Drainage –

- 45 Southern Water have raised no objection to the proposal but have advised that the Environment Agency should be consulted regarding the use of a package treatment plant and that if a public sewer is found on site the applicant should contact Southern Water. This advice can be conveyed to the applicant by way in an informative on any approval of consent.

BREEAM standards –

- 46 Policy SP2 of the Core Strategy requires all conversions to residential use to achieve BREEAM “Very Good” standards.
- 47 No information regarding the achievement of BREEAM "Very Good" standards for the development is made by the applicant. However, it is possible to require this information by way of condition on any approval of consent.

Affordable housing provision –

- 48 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 49 The applicant has accepted that the full financial contribution required by policy should be provided and at the time this report was written a legal agreement outlining this contribution is being prepared. However, the recommendation to the Committee could be worded in such a way as to provide the applicant with an appropriate amount of time to complete the document and submit it to the Council prior to a decision being issued.
- 50 I would acknowledge that the condition proposed to restrict the use of the building could impact the open market value of property. This matter has been discussed with the applicant who is still minded to provide a full contribution using the original valuation of the property that has not taken into account any restrictive conditions.

Setting of a precedent –

- 51 I do not believe that the circumstances which relate to this site and this application would lead to any sort of precedent being set within the area or indeed within the district as a whole. If indeed the conversion of an existing building within the Green Belt is considered to be appropriate development it will be on the basis of the circumstances of the application put in front of the Council rather than this application or any other application similar to it.

The manner of the submission –

- 52 There are no limits to the number of applications any one individual can submit and there is nothing to stop an applicant following up one application with another. In this case, it was entirely up to the applicant that they submitted an application for a holiday let and then an application for a new dwelling.

Sustainable development –

- 53 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with

the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

54 In my opinion, the proposed scheme would accord in full with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Conclusion

55 I would conclude that the proposed part change of use of the building to a dwelling would be appropriate development in the Green Belt, would conserve the distinctive character and the setting of the AONB, and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plan

Contact Officer(s): Mr M Holmes Extension: 7406

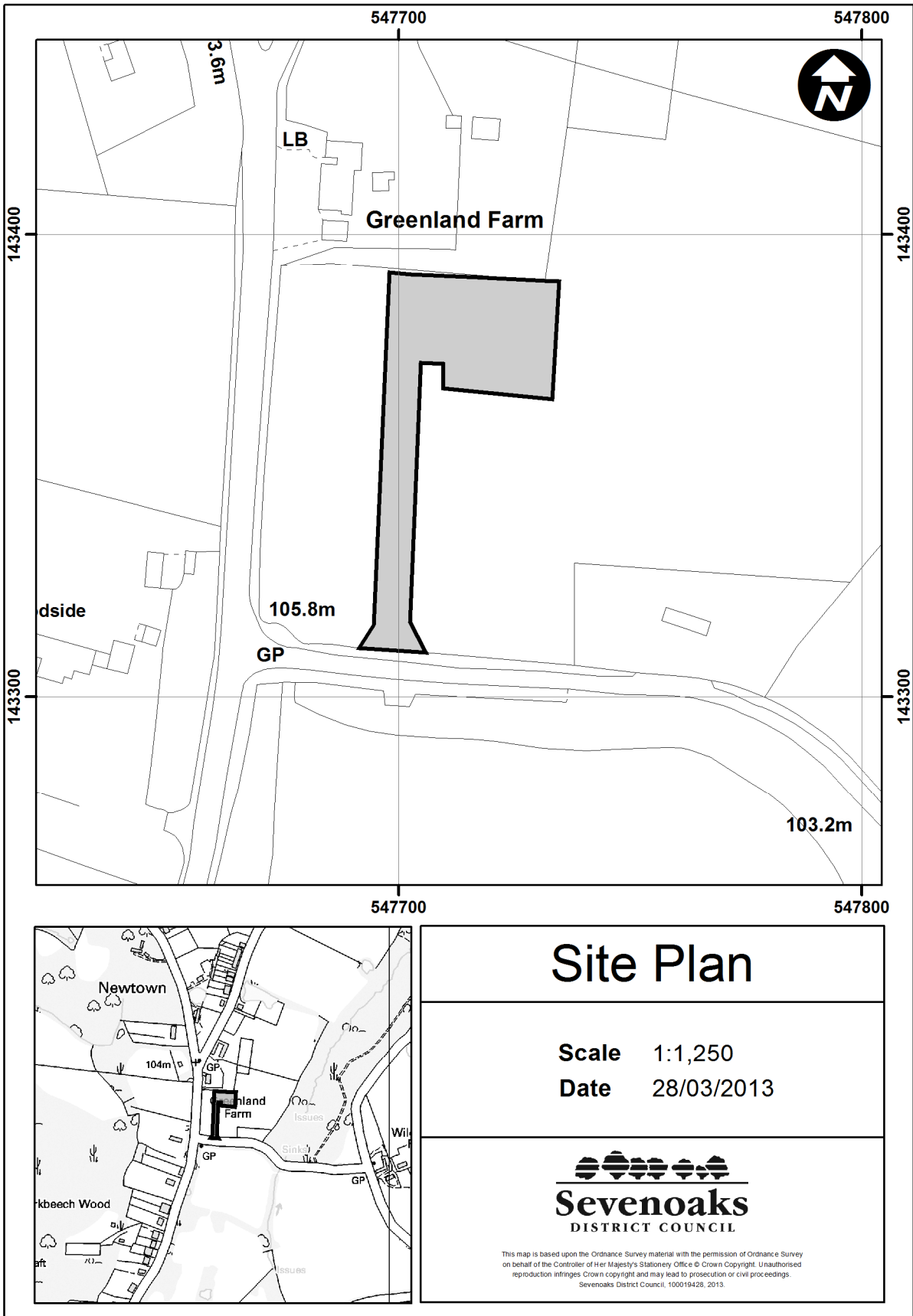
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MH4XYBBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MH4XYBBK0L000>



Block Plan

