

4.4 - SE/13/01064/FUL Date expired 17 July 2013

PROPOSAL: Demolition of existing dwellings and erection of two replacement dwellings, change of use of adjacent land to be incorporated within residential curtilage and creation of vehicle access on Valley Road.

LOCATION: 1 & 2 Cross Cottage, Valley Road, Fawkham DA3 8LX

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

The proposed development has been referred to the Development Control Committee at the request of Councillor Parkin in view of the unusual history of the site and the need to redevelop it.

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

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to clearly outweigh the harm to the Green Belt in principle and to its openness. The proposal is therefore contrary to policies H13 of the Sevenoaks Local Plan, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

The proposal would detract from the character and appearance of that area. This conflicts with policy LO8 of the Sevenoaks Core Strategy and the advice and guidance within the National Planning Policy Framework.

The site is considered to have some ecological value. In the absence of an ecological appraisal the applicant has failed to demonstrate that the development would not have an adverse impact on biodiversity. This would be contrary to SP11 of the Sevenoaks Core Strategy and the advice and guidance in the NPPF.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line

(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 The application site in the red line boundary includes two dwellings and their respective garden areas. To the NE adjacent to number 1 is a vacant plot of land that bounds Pennis Lane, that is outside the curtilage of any dwelling. To the rear of this is an area of existing woodland. To the south west of cottage 2 is a large field with a stable block in a central location. To the south west of this is a further parcel of land, which contains a pig-sty.
- 2 This application seeks permission for the demolition of two existing cottages and associated outbuildings and for the erection of two replacement-detached dwellings.
- 3 As stated above, in addition to the demolition of the cottages, it is proposed to demolish a number of different outbuildings located within the application site. These specific outbuildings include a detached garage and workshop, which are within the residential curtilage of 2 Cross Cottages. It also proposed that these and the existing stable building and a pig sty would be demolished which are located in the adjacent field to the south of the site. There does not appear to be any planning permission for the pig sty.
- 4 Although there would be no increase in the number of residential units, it is proposed to alter the location of the proposed dwellings on the site. The existing dwellings are semi-detached; it is proposed that the replacement units would be detached dwellings located at different ends of the application site and outside the existing residential curtilages
- 5 It is submitted that plot 1 would be located to the north of the application site and positioned approximately 24 metres from Valley Road. The application seeks to change the curtilage to incorporate land on the corner of Pennis Lane but not the woodland at the rear, some of the garden area at the rear would be new. The proposed dwelling would be located further back on the application site from the existing cottages and slightly north. It is proposed that this dwelling would utilise an existing access that is located off Pennis Lane. The submitted drawings show that the dwelling would be arranged over two levels and would comprise a total of 4 bedrooms. Although there are no plans submitted, it would also seem likely that accommodation would be provided within the roof space of the unit as two additional dormers are shown on the front elevation of the dwelling and one at the rear

between the two projecting gable elements and there is scope to install the additional staircase.

- 6 It is proposed that plot 2 would be located approximately 96 metres to the south of the plot 1, it is submitted that the new plot that is to be formed outside of the existing residential curtilages and formed on part of the agricultural land . Again it is proposed that this dwelling would be positioned approximately 24 metres from Valley Road. The proposed dwelling would be arranged on three floors, as it is proposed that the attic space would be utilised. The drawings show that this dwelling would have 5 designated bedrooms. However the plans show a number of other rooms within the 1st and 2nd floors which could also be used as bedrooms these include a reading room/library, study, a large dressing room and en-suite and a playroom. The proposed dwelling would have a main central element and two projecting side elements that extend beyond the front and rear facade. A new access is proposed off Valley Road to serve the new dwelling.
- 7 In addition to this it is also proposed to change the use of the adjacent land to incorporate within residential curtilage of plot 2.
- 8 The proposed dwellings have been designed in a mock Georgian style, and utilise some of the design principles of the Georgian era, these include a simple 1–2 story box shape, they are both 2 rooms deep, and that they both symmetrically arranged. The entrances of both plots are supported by pilasters, which is design feature from this era. The drawings also show that each property would have Georgian window detailing.
- 9 The proposal in effect means separating the pair of semi detached dwellings into two detached dwelling on new plots that are not in residential use currently, the demolition of all existing structures and planting of 2 new woodland areas.

Description of Site

- 10 The application site relates to a parcel of land located on the southeast side of Valley Road. The site lies on the southern side of a relatively narrow country lane which winds itself through a shallow sided valley from Longfield to Fawkham.
- 11 The whole red line site has an average width of 215 metres and an average depth of 80 metres. The site area is 1.76 hectares. Within the line boundary includes a number if different parcels of land there are two dwellings and their respective garden areas, which measure approximately 45 metres in width by 80 metres in length.
- 12 To the NE adjacent to number 1 is a vacant plot of land that bounds Pennis Lane, that is outside the curtilage of any dwelling this measures approximately 35 metres in width by 45 metres in length. To the rear of this is an area of existing woodland, measuring 35 metres by 45 metres.
- 13 To the south west of cottage 2 is a large field with a stable block in a central location, this area measures approximately 40 metres by 80 metres. To the south west of this is a further parcel of land which measures 95 metres by 80 metres and contains a pig sty.
- 14 Within the red line boundary there are a number of building. There are two dwellings, 1 and 2 Cross Cottages which are a pair of semi-detached dwellings. In addition to

this within the site are a number of outbuildings. Two of the buildings fall within the residential curtilage of 2 Cross Cottages, these include a garage and a work shop, which are in a dilapidated state. There is also a stable building and a pig sty within the adjacent agricultural field.

- 15 The historic maps show that the cottages were originally three individual units. The cottages have however been reduced to two at some point during the passage of time. The curtilage of cottage 2 has also at some point been extended and now includes a workshop (which was originally approved as a loose box under application TH/5/59/130, along with a stable building). There is no planning permission for the pig sty.
- 16 The site is elevated above the level of Valley Road by approximately 1 metre for almost the entire length.
- 17 Through the centre of the red line site are two overhead power lines from the SE to NW over the stable building to the SW of 2 Cross Cottages.
- 18 The site is located in the Green Belt.

Constraints

- 19 Metropolitan Green Belt,

Policies

Sevenoaks District Local Plan

- 20 Policies - EN1, H13 and VP1

Sevenoaks Core Strategy

- 21 Policies - SP1, L08, SP11

Other

- 22 National Planning Policy Framework

Planning History

- 23 TH/5/59/133. Alterations to access. Granted 9th June 1959

(This relates to 2 Cross Cottages)

- 24 TH/5/59/130. Proposed loose boxes. Granted 5 May 1959.

(This permission relates to the building that is identified as a workshop and the stable block adjacent)

Consultations

KCC Highways

- 25 The Highways Officer has made the following comments:-

- 26 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters. No highway objections in principle subject to: - The new vehicular access onto Valley Road being formed and the existing redundant accesses onto Valley Road being closed up to the requirements of KCC Highways & Transportation (i.e. all works within or adjacent to the highway being carried out to the requirements of KCC H&T). - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction

SDC Tree Officer

- 27 The Tree Officer has made the following comments:-

The proposals for Plot 1 appear to locate the footprint of the new build within what is mostly an open area of land. The loss of an amount of vegetation between the existing open land and the rear garden of number 1 will be necessary but not overly an issue. Suitable landscaping consisting of existing or new planting should be provided and agreed. The existing vehicular access should be closed as part of the overall landscaping. The proposal for Plot 2 will necessitate the creation of an opening within the existing mature hedging. I can to a degree except such work but have concerns regarding the effects of the need to create sight lines. Although this part of the road is marked at a low speed. Vehicles do tend to drive along at a much faster rate. I can accept the cut through to create a 2.4 metre opening but would be interested to know the Highway Officers view on the amount of vegetation that will need to be cut back to create the 70 metre vision along the road, which equates to 140 metres when both directions are cut back. Hard and soft landscape details will be required along with boundary treatment details please, inclusive of details of the new woodland.

Southern Water

- 28 Southern Water have not provided any comments.

KCC Ecology

- 29 KCC Ecology have provided the following comments:-

- 30 Thank you for the opportunity to comment on this application. We have the following response to make:

- 31 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

- 32 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

- 33 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established

before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

- 34 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.
- 35 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) and the information submitted with the planning application we advise that the proposed development has potential to result in ecological impacts.
- 36 In particular, the following habitats and features have been identified that have potential to support protected species: buildings, rough grassland, scrub and trees with good connectivity to surrounding habitats.
- 37 As such, a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys. All surveys must be carried out prior to determination of the application to ensure that Sevenoaks DC can address all relevant material considerations when making the decision.
- 38 We would like to highlight that there is potential for bat presence and as such advise that the ecologist contracted to undertake the work is experienced and licensed to survey for bats.

Parish Council

- 39 The Parish Council support the proposal. However they wish to seek verification that the +50% policy is being complied with, and The Parish Council wishes to draw attention to the redefinition of the curtilages, and understood that was necessary because the site was divided by overhead power lines, meaning that the properties must be either together, or split as proposed in order to provide for two detached houses.

Representations

- 40 Three letters of objection have been received in connection with the site. The objections include the following:-
- Loss of the existing dwellings
 - The design would be out of keeping
 - Scale and bulk unacceptable
 - Impact on Green Belt
 - Loss of countryside
 - Impact on listed building

Chief Planning Officer's Appraisal

41 The principal issues in this case are as follows:-

- Impact on the Metropolitan Green Belt:-
 - This includes an assessment as to whether the proposed development is appropriate/inappropriate in the Green Belt. To establish this it is necessary to look at paragraph 89 of the NPPF, to ascertain whether the proposal complies with criterion 4 and 6.
 - The impact of the development on the openness of the Green Belt.
 - Whether there are any very special circumstances that could clearly outweigh the harm to the Green Belt.
- Impact on the landscape character of the area
- Impact on biodiversity
- Impact on neighbouring amenity
- Parking and highway safety
- Whether the very special circumstances clearly outweigh the harm to the Green Belt.

Impact on Metropolitan Green Belt

42 National planning policy guidance relating to Green Belt is set out in paragraph 80 of the NPPF. This document states that the primary purpose of the Green Belt is to keep land open to prevent urban sprawl and to safeguard the countryside. The document states that there is a general presumption against inappropriate development, where the openness of the countryside/landscape would be adversely affected.

Whether the proposal is inappropriate in the Green Belt

43 In assessing whether the proposal constitutes inappropriate or appropriate in the Green Belt, it is necessary to look at paragraph 89 of the NPPF. This document states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:-

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in a disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

44 As with previous Green Belt policy, the NPPF, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

45 In relation to this application, it is therefore necessary to establish whether the development complies with the criteria set out above to ascertain if the development would be appropriate development in the Green Belt.

Whether the proposal complies with criterion 4 of paragraph 89:-

46 As stated above the NPPF contains national policy on protecting the Green Belt and reaffirms the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Paragraph 89 confirms that a local planning authority should regard the construction of new buildings as inappropriate in the GB. It then lists exceptions to this, including:-

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

47 The proposal subject to this application involves the demolition of two cottages (and outbuildings) and to build two detached dwellings.

48 To comply with this criteria we need to assess whether the buildings would be materially larger than the existing buildings that are currently in situ on site. For this criterion to apply, in addition to not being materially larger, it also states that the buildings must be in the same use.

49 The only buildings that can be assessed (under this specific element of paragraph 89) are the existing and proposed dwellings, as these are the only buildings that are in the same use. The existing stables and pig sty building are not in the same use as the residential property and thus their floor area, the bulk and scale cannot be used under this criteria to justify in whole or part any redevelopment. In addition to this this criterion does not allow for the bulk, scale and floor area of the existing outbuildings within the curtilage of the plot 2 to be looked at and compared.

50 The scale, bulk and floor area of cottage 1 will be assessed against the proposed dwelling 1 and cottage 2 will be looked at against the dwelling referred to as plot 2.

51 In addition to this, it is important to note that the term 'materially larger' is not empirically defined in the National Planning Policy Framework. However, this means that the key comparison is between the existing dwelling on site and the proposed dwelling. The status of the original dwelling which first exist on the site is of limited relevance to the Green Belt considerations under the NPPF.

- 52 As stated above, in assessing whether a replacement building is 'materially larger' it is considered that any development should be comparable with the scale, bulk and footprint of the existing building on the site. The NPPF test does not refer in detail to floor space or habitable floor space. The test is whether the proposal is materially larger, and this is assessed, by comparing bulk, scale and footprint including floor space. These all need to be carefully addressed.
- 53 The first thing to assess is the floorspace of the existing dwellings and to compare this against the proposed dwellings.
- 54 The existing floor area of cottage 1 is 147.75 m². The existing floor area of cottage 2 is 146.7 m².
- 55 The table below shows the proposed and existing floor space, and the height of the existing and proposed dwellings.

	Existing Cottage 1	Existing Cottage 2	Proposed Plot 1	Proposed Plot 2
Floor space	147.752 m ²	146.7 m ²	138.96 m ² (without attic space) Approximately 38 m ² to be added on if this were to be utilised	471.28 m ²
Eaves height	4.5 m	4.5 m	5.7 m	5.7 m
Height to top of roof	6.3 m	6.3 m	9.2 m	9.2 m

- 56 In terms of comparing the existing cottage 1, against proposed plot 1, if you were to include the floor space of the attic that has not been shown on the plans floor space would be approximately 29 m² larger in floor space than the existing dwelling. The increase in size must also be considered in light of paragraph 79 of the NPPF, which makes it clear that the essential characteristics of Green Belt are their openness and permanence, it is therefore prudent to look specifically at the scale and size of the replacement dwelling and compare this to the existing building.
- 57 This can be simply demonstrated by overlaying a profile of the existing and proposed elevations. In addition to the floor area, to assess whether a replacement dwelling is materially larger it is also considered appropriate to measure the height and scale of the existing and proposed dwellings. A more detailed examination reveals that the bulk of the proposed dwelling in terms of the height, scale and massing, is significantly larger compared to the existing dwelling. The roof and roof eaves are significantly higher, than the existing building. The overall height of the proposed building is 9.2 metres in contrast to the height of the existing building, which measures 6.3 metres. The existing building is relatively low in height with accommodation in the floor space. The new dwelling in contrast has a ground and first floor win addition to accommodation within the roof. The roof has a substantial pitch with a gable end, the property is just under three metres higher than the

existing building, and occupies a wider position on the site. The existing cottage 1 measures 7.2 metres by 8.8 metres. The proposed dwelling measures 11.5 metres in width by 5.7 metres (7.7 metres at its widest point).

- 58 Notwithstanding the floor area calculations I consider that in view of the height and scale of the proposed dwelling that it would be materially larger in contrast to the existing dwelling on site, with a significant increase in the scale and bulk.
- 59 It is now necessary to look at the floor space, bulk and scale of the existing cottage 2 and plot 2. It is important to highlight that not all the floor area of the lean-to addition of the existing cottage as it no longer existing on site. The floor area of this dwelling has been calculated on this basis.
- 60 When you compare the floor space, Plot 2 is considered significantly larger than the existing cottage 2. The overall floor area of the proposed unit 471.28 m², which is 221.2 % over the floor area of floor space of the dwelling. In addition to this, given the scale, width and bulk of the proposed dwelling, in contrast to the existing unit, and there is absolutely no doubt that the dwelling is materially larger. The dwelling is nearly 3 metres higher than the existing modest cottage and is significantly larger in width and length. The existing cottage 2 measures, 9.4 metres in width by 7.2 metres in length. The proposed dwelling measures 20 metres by 11.6 metres.
- 61 The NPPF makes it clear that the essential characteristics of Green Belt are their openness and permanence. Given the scale, bulk and floor space increase in both of the plots 1 and 2, and the fact that they would be materially larger than the existing cottages on site, the proposed dwellings are not considered to comply with this criterion of the policy.
- 62 In addition to the policy advice in the NPPF in part and should continue to be applied apart from those parts of the policy which are referred to below which should be given less or no weight.
- 63 As stated above this policy states the following:-

H13 Proposals for replacement dwellings in the Green Belt must comply with the following criteria:

- 1) The existing building is a dwelling and its "original" use has not been abandoned;
- 2) The existing dwelling was designed and originally constructed and occupied for residential use and built on permanent foundations on the site;

Criteria (1) and (2) relate to issues not referred to in the NPPF. They provide valuable local guidance.

- 3) The existing dwelling has a frontage to an existing road from which vehicular access can be obtained or it already has such access and mains water and electricity are available;

Criteria (3) is not supported by the NPPF

- 4) The gross floor area of the replacement dwelling does not exceed the gross floor area of the "original" dwelling by more than 50%;

Criteria 4 is not considered to be consistent with the NPPF because it relates to the size of the original building, rather than the “one it replaces”. Furthermore, even if the building standing on site was in its original form, a 50% increase in floor area would be most likely to be considered materially larger. The key issues in terms of this proposals is therefore, whether these particular proposals would result in a replacement which would be materially larger than the dwelling it is proposed to replace.

- 5) The replacement dwelling is well designed, sympathetic to the character of the area and sited and designed so as to minimise visual intrusion into the landscape; particular care will be required within Areas of Outstanding Natural Beauty;

Criterion (5) is considered to be consistent with the NPPF. I am of the view that the replacement dwellings have not been designed to be sympathetic to the character of the area and sited and have not been designed to minimise the visual intrusion into the landscape. The proposal would not be in accordance with criterion 5 of policy H13. This will be discussed in the latter section of the report.

- 6) The existing dwelling on the site is removed before the new dwelling is first occupied or within such period as may be agreed with the Local Planning Authority; .
- 7) The proposal strictly adheres to the “original” curtilage, which should be clearly defined in the planning application.

Criterion (6) and (7) are not explicitly supported by the NPPF but are reasonable considerations to take into account.

64 The houses were originally built as dwellings and on permanent foundations. The site is also accessed via an existing vehicular access available from an existing road and services (e.g. mains water) and that the use as a dwelling has not been abandoned. Neither of the proposed replacement dwellings would adhere to the existing or original curtilage.

65 In view of the above, it is considered that the proposal conflicts with criterion 4 from the NPPF as the proposed dwelling would be materially larger, and would conflict with the advice in policy H13 of the Sevenoaks District Local Plan,

Whether the proposal complies with criterion 6 of paragraph 89:

66 This allows for:-

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

67 This site can be divided into five parcels of land:

- The first is the residential properties and gardens of 1 and 2 Cross Cottages (over the passage of time this has included and extension of the curtilage

which now incorporates the former loose box, which is identified on the plan as a workshop.)

- The next is the area of land, which includes the stable block.
- Vacant land on corner of Pennis Lane and Valley Road (this site contains no buildings)
- Wooded land to the rear of the corner plot (this also contains no buildings)
- The latter is the pig sty and the surrounding land.

68 Previously developed land excludes agricultural land and buildings and residential gardens. Only the site of the two dwellings can be regarded as previously developed. The bulk of the site is greenfield and it cannot as a whole be regarded as a previously developed site. The development cannot, therefore, be justified under criterion (6).

Conclusion on whether the proposal constitutes appropriate development

69 In view of the above, the proposal is considered to be inappropriate development in the Green Belt.

Impact on Openness of the Green Belt

70 The NPPF makes clear that the essential characteristics of the Green Belts is their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development.

71 As stated above, the site contains two dwellings, 1 and 2 Cross Cottages, which are a pair of semi-detached dwellings. In addition to this within the site are a number of outbuildings. There is also a stable building and a pig sty within the adjacent agricultural field adjacent.

72 The main bulk of the existing development is located to north eastern section of the site with the two dwellings and ancillary outbuildings located within this area. In view of this configuration, the mass and bulk of the development is consolidated within this corner of the site.

73 It is proposed that the existing buildings would be demolished, and the mass and bulk of the buildings will be spread (spread primarily from the northern corner) into the agricultural field to the south west, creating two new separate curtilages of land.

74 As stated in the NPPF, the main purpose of the Green Belt is to protect land against unrestricted sprawl and safeguard countryside for encroachment. The creation of new curtilages into the agricultural field and a vacant plot, would undermine the purpose of the Green Belt and would result in an unnecessary intrusion into the rural landscape.

75 The land rises slightly to the west, it is considered that the dwellings would be visible from the wider views within the landscape. In addition to this, the height and scale of the buildings would also harm the openness as the proposed dwellings would be more visible within the landscape given their proposed location on the site, in contrast to the existing built form which is largely consolidated within the north eastern corner of the site.

- 76 It is considered that the proposal would lead to more built form on the site (given the increase in floor space, and the bulk and scale of the dwellings) which is substantial in nature and which could not by their very presence, preserve the openness of the Green Belt.

Very Special Circumstances

- 77 NPPF states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 78 Details of the circumstances put forward in this case and assessment of whether they outweigh the harm and whether these circumstances are very special, will be made later in this report once all of the potential areas of harm have been considered and assessed.

Impact on landscape character of the area -

- 79 The National Planning Policy Framework states the following, “that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.
- 80 Policy EN1 (from SDLP) and SP1 from (Core Strategy) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 81 LO8 from the Sevenoaks Council Core Strategy, also recognise the importance of the visual quality of the landscape and do not support development, which would adversely affect the natural beauty of the area.
- 82 The site is located within an rural area outside the village of Fawkham, the cottages were former agricultural workers units.
- 83 It is acknowledged that the existing dwellings are attractive in their appearance and have a distinct character and identity. As the properties are not listed and are not located in a Conservation Area (where conservation area consent would be required), although it is unfortunate, it is considered that no objection can be raised to the loss of these buildings.
- 84 The general grain of development within the local area, is however comprised of detached dwellings of substantial proportions located on large plots which are generally well vegetated.
- 85 The scale and size of plot 2 is however considered to be excessive in contrast to the character and grain and size of adjacent properties, and would be prominent within

the landscape and harmful to the character and appearance of the area. In addition to this, the proposal for Plot 2 will necessitate the creation of an opening within the existing mature hedging. Although this part of the road is marked at a low speed, vehicles do tend to drive along at a much faster rate. No information has been supplied as to how much of the vegetation would have to be cut back to achieve the desired sight lines, which is considered to be unacceptable from a visual perspective.

- 86 The proposals for Plot 1, seek to locate the footprint of the new build within what is mostly an open area of land. The loss of an amount of vegetation between the existing open land and the rear garden of number 1, is not considered to be harmful. Suitable landscaping consisting of existing or new planting should be provided and agreed. The existing vehicular access should be closed as part of the overall landscaping.
- 87 In terms of the design, although the mock Georgian design is not considered to be a design characteristic that is predominant within the area, the design is not however considered to be incongruous/out of keeping to warrant an objection on planning grounds. On balance, only in design terms the appearance of the buildings are considered to be in keeping with the surrounding properties.
- 88 The proposal is therefore considered to conflict with the above aforementioned policies.

Impact on biodiversity

- 89 The National Planning Policy Framework states "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."
- 90 The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the

need for, and benefits of, the development in that location clearly outweigh the loss;

- 91 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 92 No ecological information has been submitted with this application. KCC Ecology have advised that they have reviewed the data that they have available to them (including aerial photos and biological records) and the information submitted with the planning application and have advised that the proposed development has potential to result in ecological impacts.
- 93 In particular, the following habitats and features have been identified that have potential to support protected species: buildings, rough grassland, scrub and trees with good connectivity to surrounding habitats.
- 94 As such, the proposal is to be unacceptable in terms of the level of information submitted in terms of protected wildlife, as a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys. The proposal is therefore considered to conflict with the above aforementioned policies.

Impact on neighbouring amenity

- 95 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the privacy of neighbouring properties and also ensures a satisfactory environment for future occupants.
- 96 The siting of the proposed dwellings are considered to be sufficient distance away from neighbouring properties not to impact upon the amenities that the occupiers of those adjoining properties currently enjoy.

Parking and highways safety

- 97 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provide parking facilities. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 98 It is considered that the proposal is acceptable in terms of parking provision and highways safety, as supported by KCC Highways.

Whether the Special Circumstances clearly outweigh the harm to the Green Belt

- 99 NPPF states that very special circumstances to justify inappropriate development will not exist unless the harm because of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 100 The very special circumstances that have been afforded in respect of the proposal are as follows:-
- The murder that happened on the site

- 101 The applicants have put forward the case that a married man killed his daughter in 2 Cross Cottages, and his wife and son committed suicide by gassing themselves in the garage.
- 102 Although this is a compelling reason to redevelop the site, this does not in my view, provide an argument to build the dwellings of the considerable size and scale that are being considered under this application and in the locations proposed, which would be a significant increase in the bulk, scale and floor space on the site.
- The proximity of the development to the overhead power lines
- 103 It is acknowledged that there are power lines that cross the site. In support of the proposal various articles from the Guardian and the BBC have been put forward. In view of the fact that there is no definitive evidence that power lines cause health issues I am attaching limited weight to this.
- The application does not seek to enlarge the residential curtilage.
- 104 It is acknowledged that there would be no enlargement to the size of the residential curtilages, although the proposal involves the creation of new curtilages in different parts of the site. However given the harm from the location and scale of the development this does not clearly outweigh the harm to the Green Belt.
- 105 In conclusion, it is therefore submitted that the very special circumstances that have been put forward for the building, in whole or part, do not outweigh the harm in principle or the other harm to the purposes of including land in the Green Belt, to the openness of the Green Belt and to the visual amenities of the Green Belt and therefore, there can be no very special circumstances in this case.

Conclusion

- 121 The application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The NPPF in paragraph 89 sets out what is considered to constitute appropriate development. For the reasons outlined above, the Council consider that the proposal constitutes inappropriate development. By definition therefore the application proposal causes harm to the Green Belt. In addition to the definition, the proposed development is also considered to be harmful to the openness of the Green Belt.
- 122 In such circumstances therefore the applicant is required to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm in order to justify such development. It is not however considered that the justifications advanced comprise the very special circumstances required. The very special circumstances that have been advanced are not considered to clearly outweigh the harm to the Green Belt.
- 123 The scale, bulk and massing of plot 2 is also considered to be detrimental to the character and appearance of the area.
- 124 The proposal is also unacceptable as no ecology information has been submitted in respect of the proposal.

Background Papers

Site and Block plans

Contact Officer(s): Vicky Swift Extension: 7448

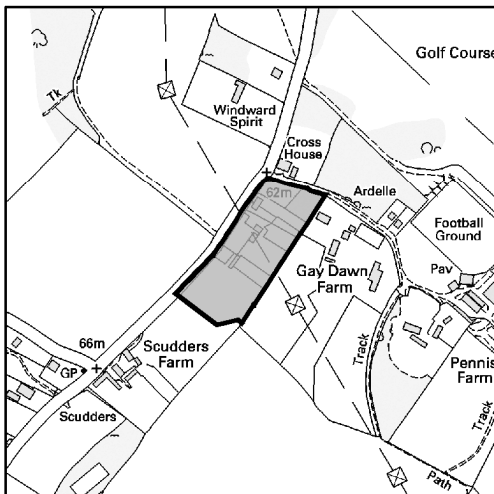
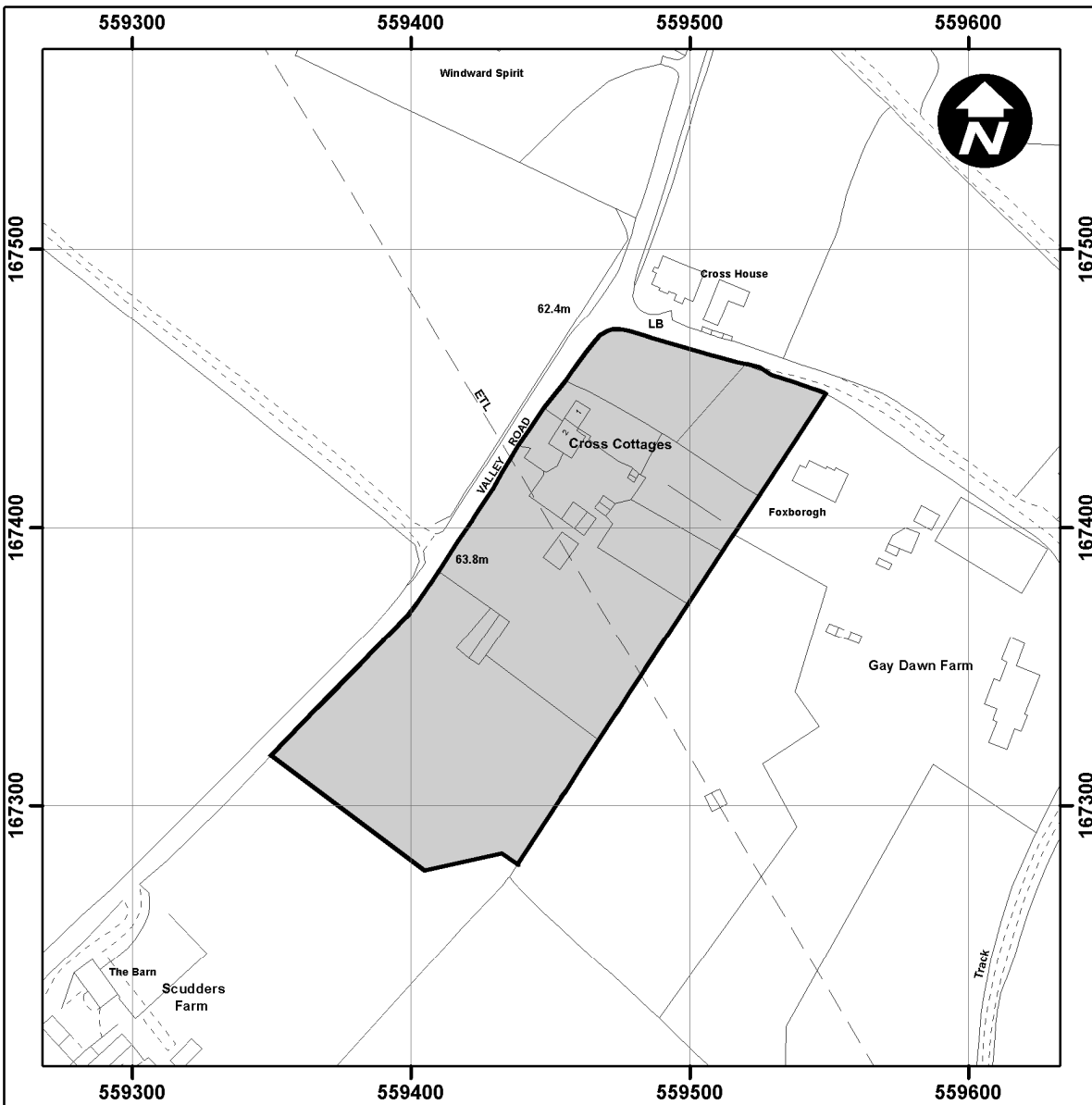
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MKXXOEBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MKXXOEBK0L000>



Site Plan

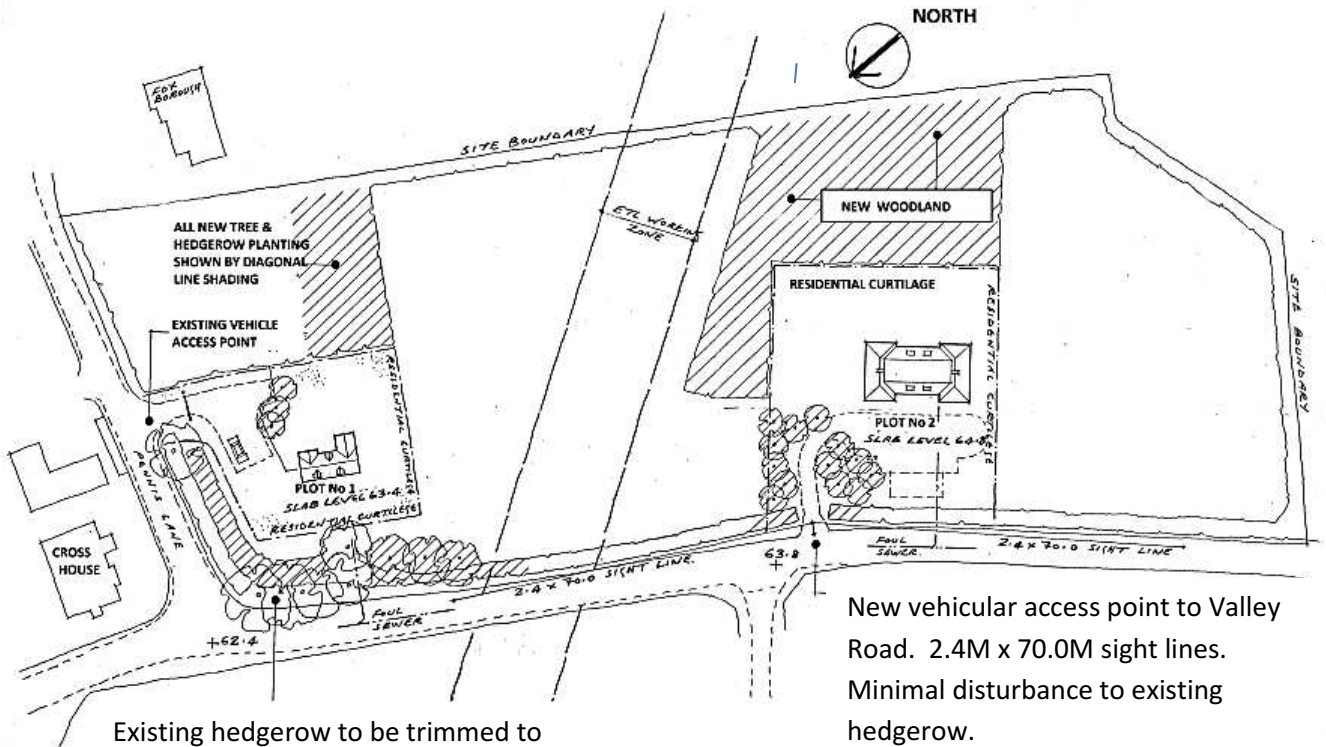
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Date 20/08/2013



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Sevenoaks District Council, 100019428, 2013.

BLOCK PLAN



Existing hedgerow to be trimmed to give 2.4M x 90M sight line from Pennis Lane to Valley Road.

New vehicular access point to Valley Road. 2.4M x 70.0M sight lines. Minimal disturbance to existing hedgerow.