

**6.02 Reference 310/11/091**

**ENFORCEMENT OF PLANNING CONTROL**

**1 The Barn, Halstead Place, Halstead, Kent TN14 7BJ**

**ITEM FOR DECISION**

This matter has been referred to Development Control Committee by Councillor Grint to assess whether it is expedient to remove the shed.

Planning permission was refused for the erection of a garden shed (retrospective) on the 27 August 2011. The shed remains on site.

**RECOMMENDATION:**

That authority is to serve an Enforcement Notice, subject to the Head of Legal and Democratic Services agreeing the wording of the terms of the Notice, requiring the removal of the shed.

Compliance period:            Three months

**Description of Site**

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

**Constraints**

- 2        Conservation Area
- 3        Section 106 - S106/SE/08/01915
- 4        Tree Preservation Order
- 5        Metropolitan Green Belt

**Policies**

*South East Plan (2009)*

- 6        Policy CC1 - Sustainable Development
- 7        Policy CC3 - Resource Use
- 8        Policy CC4 - Sustainable Design and Construction

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9 Policy CC6 - Sustainable Communities and Character of the Environment

10 Policy M1 - Sustainable Construction

11 Policy SP5 - Green Belt

*Sevenoaks District Local Plan*

12 Policy EN1 - Development Control – General Principles

13 Policy H6B and Appendix 4 - Residential Extensions

14 Policy EN23 - Conservation Area

*SDC Core Strategy*

15 Policy SP1 - Design of New Development

*Other*

16 Planning Policy Guidance 2: Green Belt

17 Planning Policy Statement 5: Planning for the Historic Environment

18 Planning Policy Statement 7: Sustainable Development in Rural Areas

19 Halstead Village Design Statement

Planning History

20	06/00815/FUL	Redevelopment of site to provide 61 dwellings (57 no. new & 4 no. through conversion) with associated car parking, access and landscaping.	REFUSE	27/06/2006
21	06/00855/LBCALT	Conversion of listed Stable Block building and adjacent Coach House for residential use.	GRANT	30/06/2006
22	06/02534/FUL	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	REFUSE	19/12/2006
23	06/02535/CAC	Demolition of unlisted building and structures within a designated conservation area as part of a proposed residential development.	GRANT	22/11/2006

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24	07/00766/FUL	Redevelopment of site to provide 48 no. dwellings (44 no. new and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	REFUSE	20/06/2007
25	07/00053/RFPLN	Redevelopment of site to provide 49 no. dwellings (45 no. new and 4 no. through conversion) with associated car parking, access and landscaping provision.	APWITH	13/08/2007
26	08/01915/FUL	Redevelopment of site to provide 33 no. dwellings (29 no. new build and 4 no. through conversion) with associated car parking, access, landscaping and open space provision.	GRANT	20/02/2009
27	09/00690/FUL	Temporary permission for the erection and subsequent partial removal after 2No. year of a sales suite.	GRANT	22/05/2009
28	11/01433/FUL	Erection of garden shed to side of property (retrospective)	REFUSE	17/08/11

Principal Issues

29 The principal issue is Impact on the Green Belt:

*Impact upon the Green Belt*

30 PPG2 (Green Belts) states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agricultural and forestry. The limited extension or alteration of an existing dwelling can be appropriate and case law has shown that a shed that is not used for a domestic living accommodation cannot be described as an extension or alteration as it's a detached outbuilding.

31 The site is located within the Green Belt. It was concluded in the report for the overall residential development on the site, that all new buildings constitute inappropriate development in the Green Belt. As outlined above planning permission was granted for the redevelopment of the site because of the special circumstances advanced that clearly outweighed any harm to the openness of the Green Belt. Various conditions were attached to the planning (Item No. 6.02) 3

permission to remove permitted development rights to prevent further development on the site to protect the openness of the Green Belt, hence the requirement for the current submission.

- 32 Policy H14B refers to outbuildings in the Green Belt but this policy only applies if the outbuilding is also in the Area of Outstanding Natural Beauty. Halstead Place School, including this application site, is not in the Area of Outstanding Natural Beauty. There is therefore no local policy that applies to their proposal and it is therefore inappropriate development in the Green Belt.
- 33 Though modest in scale the shed as a new building within the Green Belt, is due to the additional bulk created in the form of the proposal, is harmful to the openness of the Green Belt.
- 34 PPG2 states that the most important attribute of Green Belts is their openness. The erection of a shed leads to the erection of a three dimensional form that wasn't previously in place and accordingly has a detrimental impact upon the openness of the Green Belt. A recent appeal decision at Halstead Place has stated that if there were no other storage facilities available that this could potentially add weight to the applicants case. In this instance no other external storage facilities exist however this does not negate the fact that the shed represents inappropriate development within the Green Belt and no case of very special circumstances has been advanced.

### Human Rights

- 35 Article 8 of the Human Rights Act provides for everyone to have the right to respect for their family life, home and correspondence. This is subject to the proviso that there shall be no interference by public authority with the exercise of this right except when pursuing a legitimate aim in law as is necessary in a democratic society, in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others. Article 8 applies even if the placing of the shed is unauthorised. However, in my opinion any rights of the owners of the site to put the shed on the land is outweighed by the public interest. I am satisfied that the serving of an enforcement notice is expedient in this case. The site lies within the Metropolitan Green Belt. The primary objectives in this area are to protect the character, amenity and openness of the Green Belt and the countryside in general.

### **Conclusion**

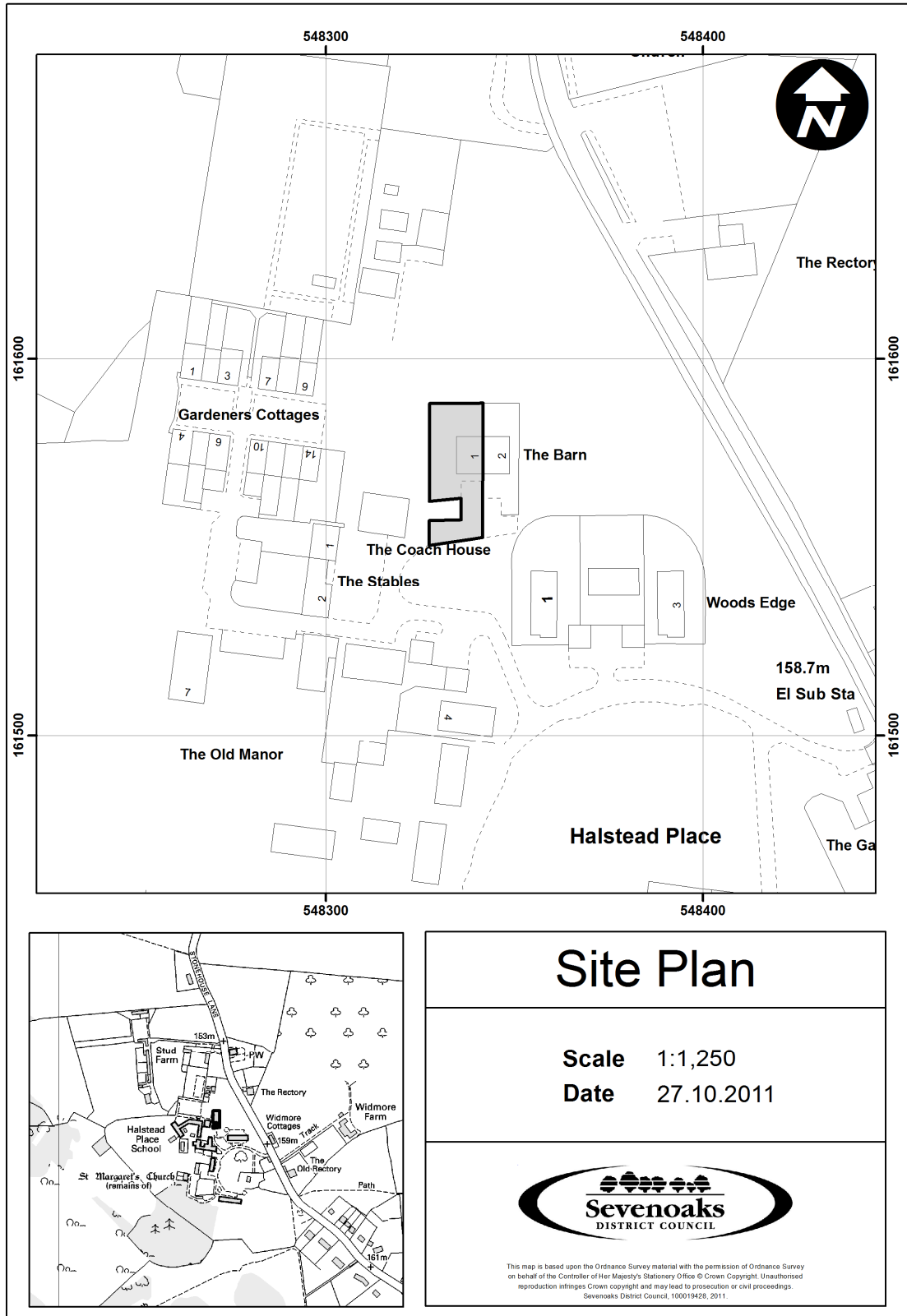
- 36 The shed represents inappropriate development that would be harmful to the openness of the Green Belt.

**Background Papers**

Site Plan

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



# Site Plan

Scale 1:1,250  
Date 27.10.2011



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