

4.7 - SE/13/01825/FUL Date expired 22 August 2013

PROPOSAL: Erection of detached equipment/machinery store.

LOCATION: Land North West Of The Mount, The Mount Wood,  
Sparepenny Lane, Farningham, Dartford DA4 OJH

WARD(S): Farningham, Horton Kirby & South Darenth

### ITEM FOR DECISION

This application has been called to Development Control Committee by Councillor McGarvey on the grounds that the proposal would result in inappropriate development in the green belt which by reason of its size would be harmful to the openness and there is no justified need for the proposal in the way of very special circumstances which would clearly outweigh this harm.

**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: 100901-08

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 100901-08.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Throughout the course of the development works to trees and methods for tree protection shall be carried out and implemented in accordance with the details contained within the 'Tree Survey Arboricultural Impact Assessment and Arboricultural Method Statement' dated 14 June 2013 unless otherwise agreed in writing by the Local Planning Authority.

To prevent any unnecessary works or damage to the trees in the interest of the trees and visual amenity of the area in accordance with policy EN1 of the Sevenoaks Local Plan.

5) The building hereby approved shall be used for forestry as set out in the 'Supporting Statement' date stamped received 18.06.13.

The site is located in the Green Belt where strict policies of restraint apply. Therefore the Council would wish to assess the impact of any alternative in the interest of the Green Belt accordance with policies L08 of the Sevenoaks Core Strategy, EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

6) Despite the provisions of any development order, no extension or external alteration shall be carried out to the building hereby permitted.

To safeguard the openness of the Green Belt and appearance of the area in accordance with policies LO8 of the Sevenoaks Core Strategy, EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) No development shall take place until a desk top study has been undertaken to establish the likely presence of archaeological remains on the site and a report has been submitted to the Local Planning Authority for agreement. If the study identifies the possibility of archaeological remains then no further development/use shall be carried out until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

In order to safeguard any remaining archaeological interest on the site in accordance with policy EN25A of the Sevenoaks Local Plan and National Planning policy Framework.

8) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

#### **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](http://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 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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

#### Description of Proposal

- 1 The application seeks planning permission for the erection of detached building for the storage of machinery, equipment and implements associated with the maintenance of the adjacent woodland.
- 2 The proposed building would have an 'L' shape configuration and be constructed from timber with a plain tile pitched roof and timber windows and doors.

#### Description of Site

- 3 The site the subject of this application is located within the grounds of The Mount which is a Grade II Listed Building fronting Sparepenny Lane. The Mount is located to the north west of the application site.
- 4 The site is located to the north of The Mount wood. The Mount wood is approximately 1.25 (3.1 acres) in size. The site would be accessed off of London Road via an existing track located adjacent to number 44 London Road.
- 5 The proposed building within the site would be located in close proximity to a number of mature trees.
- 6 There are a number of residential properties fronting London Road whose rear gardens lie to the north/north east of the application site.

#### Constraints

- 7 Green Belt
- 8 Area of Outstanding Natural Beauty (AONB)
- 9 Area of Archaeological Potential
- 10 The site is located in the grounds of a Grade II Listed Building and in close proximity to the boundary of the Conservation Area.

#### Policies

##### *Sevenoaks District Local Plan*

- 11 Policy - EN1

##### *Sevenoaks Core Strategy*

- 12 Policies - SP1, LO8

## Other

- 13 National Planning Policy Framework (NPPF)

## Relevant Planning History

- 14 11/01469/LBCALT Alteration & conversion of ground floor of the detached former Coach House to residential use, in association with alterations to the existing first floor residential annexe flat above, and construction of a new detached single storey outbuilding. Grant 09/08/2011.

11/01468/FUL Alteration & conversion of ground floor of the detached former Coach House to residential use, in association with alterations to the existing first floor residential annexe flat above, and construction of a new detached single storey outbuilding. Grant 20/09/2011.

## Consultations

### *Farningham Parish Council*

- 15 *“Object - The Applicant was given permission for a barn conversion (with 23 sq. m. of attached storage area) in 2011 and now purports to need a barn.*

*The proposed outhouse exceeds the remaining permissible floor space for outbuildings by 73 sq. m. (please refer to Officers report from 2011) and is bigger than many of the neighbouring houses.*

*Forestry is timber production and the argument that this building is necessary for the economy as envisaged by the NPPF is not valid. Coppicers in Farningham woods harvest this much woodland in a single season (probably a few weeks) and then leave it to re-grow for ten years.*

*Combined with the coach house conversion, this enterprise amounts to a new build in the Green Belt, AONB and Conservation area.*

*FPC strongly objects to this development”.*

### *SDC Tree Officer*

- 16 *“I can inform you that I have studied the Arboriculturalists report and have visited the site. Having read the Arboricultural Report and have seen the proposed protective measures, I have no objection to the proposal providing the recommendations within the report are followed.*

### *Rural Planning Consultant*

- 17 *The premises concerned extend overall to some 5.9 acres (2.4 ha) including a substantial Grade II listed residence, fronting Sparepenny Lane, with associated grounds, and some 3.1 acres (1.25 ha) of woodland. There is a detached Coach House with consent (11/01468 & 01469) for conversion as a residential annex with a proposed new outbuilding (garden and cycle store), but this has yet to be implemented.*

*The current proposal is to provide an L-shaped timber clad building, with a plain tiled pitched roof, one section being about 9.7m x 4.9m externally and including*

two windows, the other section (linked internally by a personal door) being about 7.9m x 4.9m externally, without windows. Both sections would have their own double doors, about 2m tall and 4m wide. The structure would be about 2.3m to eaves, and 4.7m to ridge, and would be located in a fairly isolated position, near to the north-west corner of the premises, where there is existing vehicular access via a gated entrance off London Road.

The submissions indicate that the building would be used to house a range of machinery for use in association with management of the woodland such as compact tractor, small trailer, wood chipper, log splitter, and stump grinder, and various other associated small tools and equipment, as listed.

Depending on the dimensions of the equipment chosen, the building may be able to accommodate these items but the door/eaves height, and also the L-shaped layout, would tend to limit the size of machinery possible, and the ease of accessibility thereto.

The choice of the tiled roof (which adds quite significantly to the height compared to a functional low-pitched sheeted roof), and the inclusion of windows, as well as the dimensions and layout, makes the design rather more redolent of a domestic outbuilding than a typical functional woodland/forestry store.

It is also fair to comment that it would be unusual to provide a dedicated on-site store of this type simply to assist in the management of a small wood of only 3 acres or so. As an isolated stand, it would be normal for such a wood to be managed using equipment brought in (often by specialist trained contractors) as and when a particular operation was required. That appears to have been the arrangement here up to now.

It is the proximity of the wood to the established residential property and its grounds, that would appear in this case to generate the particular wish to have such a store, and one of this design. However it is quite possible, in these circumstances, that the building could take on a somewhat wider role than simply assisting in management of the woodland, in terms for example of maintaining the residential property and its grounds, or providing garaging.

Whether a building in this form, whether or not used in due course for that sort of wider purpose, would be acceptable here, would be a matter for you, but please let me know if you require any further advice.

## Representations

- 28 One letter received objecting to the application on the grounds that the proposal would/is:
- detract from the character of the area;
  - negatively effect property values; and
  - located in the green belt where new builds are prohibited.

## **Chief Planning Officer's Appraisal**

### Principal Issues

- 29 The main consideration of this application is whether the proposal would involve inappropriate development in the Green Belt and, if so whether the harm to the Green Belt would be clearly outweighed by other considerations.
- 30 The remaining issues to consider are:
- Impact on the AONB
- 31 The site is located in the AONB, as such, in accordance with Section 85 of The Countryside and Rights of Way Act 2000 in performing any function affecting land in an AONB the Local Planning Authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- Impact on the setting of the Listed Building and Conservation Area
- 32 The site is located within the grounds of a Grade II Listed Building and situated in close proximity to the boundary of the conservation area. In accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of such heritage assets. As such, the impact of the proposal on the setting of the Listed building, and special character and appearance of the Conservation Area, are also material to the consideration of this application.
- Impact on Amenity;
  - Highways;
  - Archaeological Implications;
  - Trees; and
  - Biodiversity.

### *Green Belt*

- 33 Having regard to the Green Belt, inappropriate development, by definition, is development that is harmful to the Green Belt because it detracts from its openness.
- 34 Government advice makes clear that the most important attribute of Green Belts is their openness. It is for applicants to demonstrate why permission should be granted. Very special circumstances to justify inappropriate development 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.
- 35 Paragraph 89 of the NPPF, states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

## *Buildings for agriculture and forestry*

- 36 It is stated that the building is intended for forestry.
- 37 As stated at paragraph 7.2 of the supporting statement accompanying the application, there is no formal definition of 'forestry' in planning law and no requirement for a holding to be of a particular size to constitute a forest/woodland for the purpose of applying the NPPF or Part 7 of the General Permitted Development Order. However, it is my view, that the definition of forestry set out in the Charter of the Institute of Chartered Foresters could provide a useful starting point in defining the term forestry. This states that "*forestry shall include all aspects of the science, economics, conservation, amenity and art of establishing, cultivating, protecting, managing, harvesting and marketing of forests, woodlands, trees, timber and wood*". It is noted that paragraphs 7.3 and 7.4 of the supporting statement indicate that the applicants wish to be able to manage the woodland themselves in a sustainable manner which in my view would fall comfortably within this definition.
- 38 Comments received by the Councils Rural Planning Consultant do not refute the applicant's statement that the building is required for forestry. However, the Rural Planning consultant has commented upon the design and layout of the building and whether it is appropriate. In response to this, the applicants state that particular care has been taken with regards to the scale, size and layout of the building to ensure that the building meets the functional needs demanded of it and provides appropriate access and circulation space around the machinery whilst ensuring that it is not visually intrusive and/or unduly prominent.
- 39 It should be noted that the NPPF does not refer to any need to assess a building for forestry in terms of its impact on the openness of the Green Belt or indeed against any other issue unlike, for example, buildings for outdoor sport and recreation which are required to preserve the openness of the Green Belt and not conflict with the purpose of including land within it. Neither does the NPPF establish any test requiring applicants to demonstrate need or reasonableness for forestry buildings although in this instance, the applicant has sought to address both through the submission of a supporting statement.
- 40 It was apparent from my visit to the application site that the woodland needs to be managed, and I do not consider it unreasonable for the applicants to wish to maintain the woodland themselves. In my view it would be unreasonable to require the applicants to hire a specialist contractor as suggested by the Rural Planning Consultant.
- 41 The supporting statement lists the type of machinery required to manage the woodland and I see no reason to doubt that the building will be used to store this machinery in connection with forestry nor that the building would be unsuitable for such a purpose. Neither is there any evidence to suggest that any use other than forestry is intended or that the building would be likely to be put to non-agricultural uses in the future. I therefore consider that the building would be a building used for forestry for the purpose of paragraph 89 of the NPPF.
- 42 It is accepted that the building would result in a loss of openness, but as stated in the preceding paragraphs, the effect on openness does not affect the appropriateness of buildings proposed to be used for forestry.

- 43 I therefore conclude that the proposed development would not be inappropriate development in the Green Belt.
- 44 For information, it is noted that the local Parish Council have referred to permissible floor space for outbuildings. It is assumed that this reference is made with policy H14B of the Local Plan in mind, which relates to outbuildings within the residential curtilage. This policy was applied to historical applications reference SE/11/01469/LBCALT and SE/11/1468/FUL. Since the determination of these applications in 2011, a review of local plan policies has been completed to ensure compliance with the NPPF. Having regard to this, only criteria 4 of policy H14B is considered to be compliant. As the NPPF does not specifically address the issue of outbuildings, the remainder of policy H14B is not compliant and generally new outbuildings in the Green Belt would be regarded as inappropriate development unless they fall within any of the criteria regarded as exceptions at paragraph 89 of the NPPF. Therefore, to clarify, floor space is irrelevant in this instance. Furthermore, the previous scheme related to a domestic store and was submitted as a Householder application. The current application is a full planning application for a building for forestry and as such, policy H14B is not relevant to the consideration of this application.

#### *Impact on the AONB*

- 45 The NPPF states 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.' (para. 56).
- 46 Policy EN1 of the Local Plan indicates that, amongst other criteria, 'the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard'.
- 47 Views of the proposed building from within the public domain are limited to the access track to the far rear of the site. Where views are obtainable the building would be viewed against the backdrop of the existing trees and woodland.
- 48 With regards to its size, the proposed outbuilding has an appropriate footprint to accommodate the items listed in the applicants supporting statement. The hipped roof contributes to the buildings simplistic design and its traditional character and appearance. The proposed materials comprise Dry Purbeck stone, timber boarding, plain tiles and timber windows and doors which would be sympathetic to materials predominating locally in type and to the surrounding rural setting.
- 49 Policy LO8 of the Core Strategy requires development to respect the countryside by having no detrimental impact upon the quality of the landscape character. Although the outbuilding is located within a rural area, and limited views of the building would be obtainable, as stated in the preceding paragraph, the building has been designed using traditional forms and materials so that it would not appear intrusive in the landscape and is of a design that sympathises with the rural character
- 50 As such, it is considered that the design of the building would respect its immediate setting and the surrounding area and vernacular styles. Therefore it is



my view that the proposed building would preserve the character and appearance of the Area of Outstanding Natural Beauty in accordance with Section 85 of the The Countryside and Rights of Way Act 2000 and the aforementioned policy criteria.

#### *Impact on the setting of the Listed Building and Conservation Area*

- 51 The NPPF sets out the Governments criterion on the conservation of the historic environment.
- 52 Paragraph 126 of the NPPF describes heritage assets as ‘*an irreplaceable resource*’ and states that they should be conserved in a ‘*manner appropriate to their significance.*’
- 53 Paragraph 129 of the NPPF states:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.*
- 54 In addition to the above, at a local level policy SP1 of the Sevenoaks Core Strategy states that the districts heritage assets including listed buildings and conservation areas will be protected and enhanced.
- 55 Having regard to the above, the proposed outbuilding is of a traditional form. The new outbuilding is proposed to be finished in traditional materials which would be sympathetic to the character and appearance of the main house (The Mount) and surrounding neighbouring properties, and are typical of those commonly associated with outbuildings in rural locations. For these reasons and those set out above under the heading 'visual impact', it is my view that the proposal would preserve the setting of the Listed Building and special character and appearance of the conservation area in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and aforementioned policy criteria.

#### *Impact on Amenity*

- 56 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 57 The rear garden boundary to the nearest neighbouring residential property is in excess of 40 metres from the application site.
- 58 As such and in accordance with Policy EN1 of the Local Plan, the proposal is not considered to adversely impact upon the amenities of neighbours by way of form, scale, outlook, noise, light intrusion or activity levels including vehicular or pedestrian movements.

- 59 One objector to the scheme refers to the proposal de-valuing the price of his property. This is not a material planning consideration and it would be unreasonable to refuse the application on such grounds.

#### *Highways*

- 60 With regard to highway safety, this is a category of development which does not require consultation with Kent Highways Services.
- 61 The existing access is not proposed to be altered. The machinery will be stored on site and as such the proposal is not perceived to involve any intensification in vehicle movements.
- 62 Therefore, it is my view that the proposal would not interrupt the safe flow of traffic or result in any adverse highway implications.

#### *Archaeological Implications*

- 63 The site is located in an area of archaeological potential. Therefore, the construction of the building has the potential to impact upon archaeological remains. As such, it is considered reasonable in accordance with Circular 11/95 Use of Conditions in Planning Permissions, to apply a condition to any grant of planning permission requiring a desk top study establish the likely presence of archaeological remains on the site.

#### *Trees*

- 64 The site is located in close proximity to a number of mature trees. The application includes a '*Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement*'.
- 65 This statement includes a list of trees affected by the proposal some of which are proposed to be removed.
- 66 The Councils Tree Officer has reviewed the contents of the submitted statement and is satisfied with its recommendations.
- 67 Consequently, SDC Tree Officer is of the view that providing the recommendations set out in the statement are secured by condition the proposal would have no significant adverse impact on trees located within or adjacent to the application site.

#### *Biodiversity*

- 68 Policy SP11 of the Sevenoaks Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 69 It is acknowledged that the sustainable management of the woodland will benefit biodiversity, however, the proposal itself would affect some established vegetation and the site is located adjacent to woodland and areas of scrub, thus increasing the potential for protected species to be present.
- 70 As such, it is considered reasonable in accordance with policy SP11 and Circular 11/95 to apply a condition requiring biodiversity enhancements.

## **Conclusion**

- 71 The proposed building for forestry is regarded as appropriate development in the Green Belt.
- 72 The design of the building would respect its immediate setting and the surrounding area and vernacular styles. Therefore it is my view that the proposed building would preserve the character and appearance of the Area of Outstanding Natural Beauty, setting of the Listed Building and special character and appearance of the Conservation Area.
- 73 The proposal would not have a detrimental impact on neighbour's amenity.
- 74 Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be satisfactorily controlled by way of conditions imposed.

## **Background Papers**

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

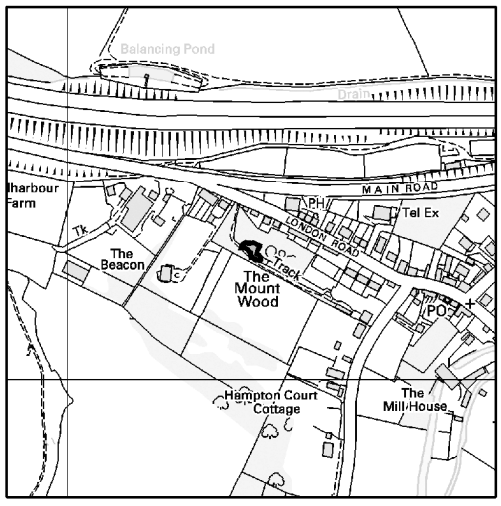
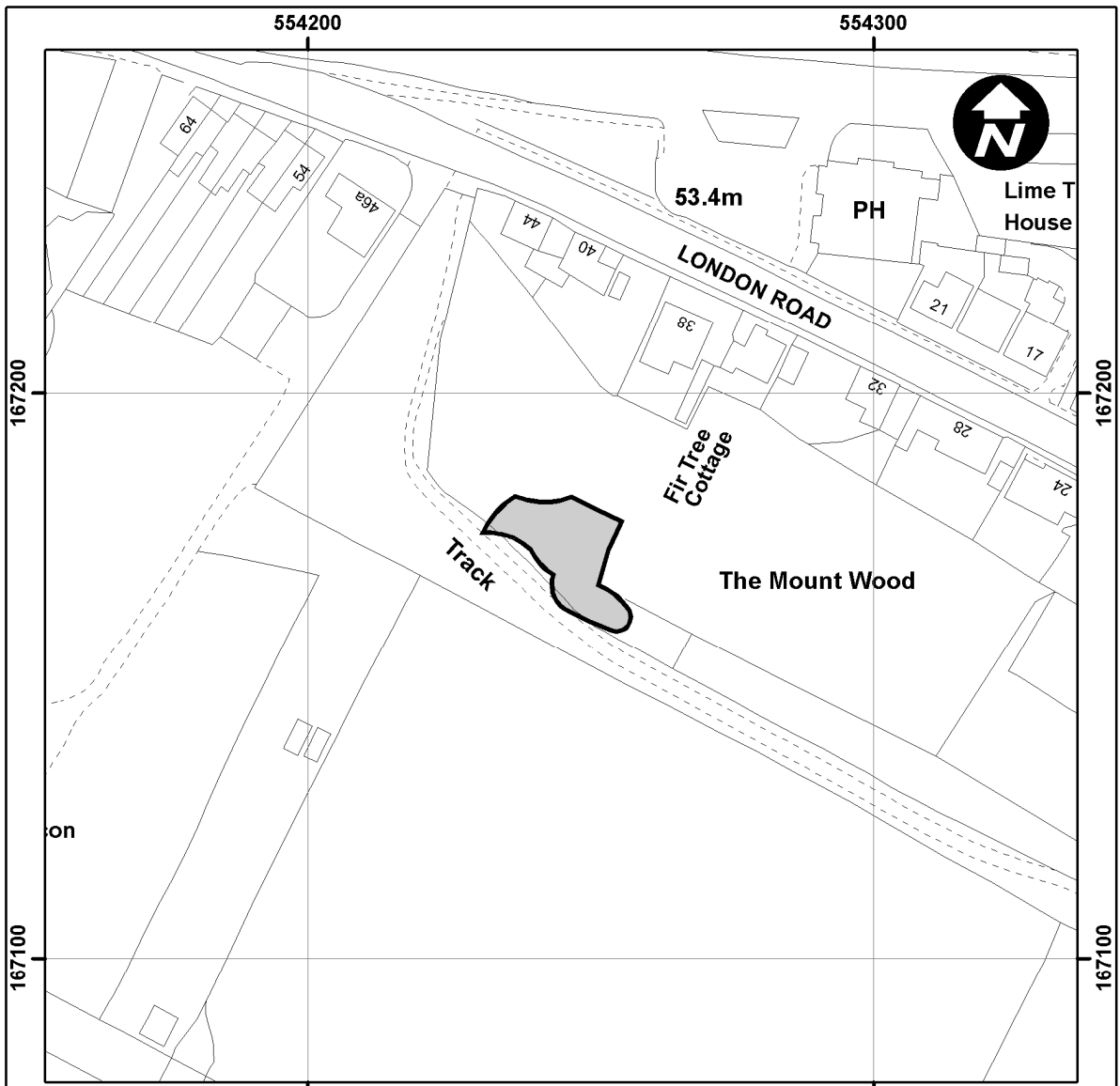
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOKU6RBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MOKU6RBK8V000>



# Site Plan

Scale 1:1,250  
 Date 17/10/2013



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