

4.5 – SE/13/03361/FUL Date expired 16 January 2014

PROPOSAL: Restoration and conversion of a former Oast House to a single residential dwelling with associated garden access and parking.

LOCATION: Derelict Oast House, Oast Farm, Lydens Lane, Hever

WARD(S): Edenbridge South & West

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Richard Davison who has concerns that the proposal represents inappropriate development in the Green Belt.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the reconstructed oast house hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To conserve the significance of the curtilage listed building as supported by The National Planning Policy Framework.

3) The enhancements recommended within paragraph 4.3 - 4.6 of the Extended Phase I Habitat Survey, dated June 2011, must be incorporated in to the proposed development site.

To enhance biodiversity in the area as supported by the National Planning Policy Framework.

4) Until development commences the site shall be maintained so as to discourage reptiles from inhabiting the site. This shall be done by regularly cutting back the vegetation that is found on the site.

To prevent reptiles from being affected by the proposed development as supported by the National Planning Policy Framework.

5) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as

agreed in writing by the Local Planning Authority.

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

6) Soft landscape works shall be carried out before first occupation of the oast. 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.

7) 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.

8) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

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

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 1980/1, 1980/2, 1980/3, 1105/1 P1, 1105/2 P1, 1105/3 P1, 1105/4 P1, 1105/5 P1, 1105/6 P1, 1113.02 Rev.02, 1113.03 Rev.02, 1113.04 Rev.02, 1113.05 Rev.02 and 1113.02 Rev.00.

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

Informatives

1) There is suitable habitat present for breeding birds. All nesting birds and their young are legally protected under the Wildlife and countryside Act. Works impacting suitable breeding bird habitat must be carried out side of the breeding bird season (March to August inclusive). If that is not possible it is recommend that an ecologist examines the site prior to works starting and if breeding birds are recorded all works must cease in that area until all the young have fledged.

2) Bats have been recorded within the surrounding area as a result the lighting must be designed to minimise impact on foraging and commuting bats. It is therefore advised that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to when designing any external lighting.

3) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the KCC Public Rights of Way Officer before commencing any works that may affect the Public Right of Way. It would also be advisable for the applicant to put up signs warning contractors that

the track is used by pedestrians during the construction period.

4) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

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 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) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 The application seeks the approval of the restoration of the original oast house and use of the building for residential purposes, with the creation of an associated amenity area, parking area and access.
- 2 The proposed restoration aims to retain the existing structure and create a building that is as close to the original as possible. This would comprise rebuilding the roof of the barn section of the building, rebuilding of sections of the walls and the roofs of the roundels, rebuilding the internal structure of the building and installing all windows and doors.
- 3 The access to the site is proposed to be from the driveway that currently serves the properties which make up Lydens Barn to the east of the site. An area of hard standing is proposed adjacent to the western elevation of the building that would serve as parking for a minimum of two vehicles and would provide a turning area. Landscaping would comprise a mixed native hedgerow along the south-east boundary of the site and the turfing of the remaining plot.

- 4 The application follows the refusal of permission for a similar proposal that was not accompanied by a legal agreement setting out an acceptable financial contribution towards an affordable housing provision. The application was therefore refused solely on the basis that it failed to comply with policy SP3 of the Core Strategy. The applicant has now agreed an appropriate level for a contribution and has completed a legal agreement containing the agreed contribution.

Description of Site

- 5 The application site comprises a derelict oast house located on the eastern side of Lydens Lane, adjacent to Lydens Farm and a complex of former agricultural buildings that are now mainly in residential use. The building is currently in a state of disrepair with only the main walls of the barn section of the building remaining along with only part of the walls of the two roundels.

Constraints

- 6 The site lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty, and the existing structure is curtilage listed.

Policies

Sevenoaks District Local Plan

- 7 Policies – EN1 and GB3A

Sevenoaks District Core Strategy

- 8 Policies– L01, L08, SP1, SP2 and SP3

Other

- 9 The National Planning Policy Framework (NPPF)
- 10 Affordable Housing Supplementary Planning Document (SPD)
- 11 Countryside Character Assessment Supplementary Planning Document (SPD)

Planning History

- 12 SE/12/00453 Reconstruction of oasthouse and use as single residential dwelling house with associated garden parking and access. Refused 05.12.12
- SE/12/00454 Listed Building Consent for the reconstruction of oasthouse and use as single residential dwelling house with associated garden parking and access. Granted 18.02.13

Consultations

Edenbridge Town Council – 18.12.13

- 13 Members object to this application as they believe that not enough of the original structure remains to make the building suitable for restoration and consider it to be new build in the Green Belt.

Natural England – 03.12.13

- 14 No objection raised – see file note for full comments.

KCC Biodiversity Officer – 05.02.14

- 15 We have reviewed the ecological survey submitted with the application in conjunction with the desk top information available to us (aerial photos and biological records) and information provided by the planning officer. We are satisfied with the information which has been provided and require no additional information to be provided prior to determination of the planning permission.

Reptiles

- 16 The survey was carried out in 2011 and it identified that there was a small area of suitable reptile habitat present within the site and recommended using a precautionary mitigation approach to remove it.
- 17 We were concerned that as the survey was carried out over 2 years ago the management of the site may have changed and the information within the report was now incorrect.
- 18 However the planning officer has confirmed that the site has regularly been maintained since the ecology survey was carried out.
- 19 Based on this information we are satisfied that the information contained within the ecological survey is correct.

As such we require no additional information to be provided prior to determination of the planning application.

Breeding Birds

- 20 There is suitable habitat present for breeding birds. All nesting birds and their young are legally protected under the Wildlife and countryside Act. Works impacting suitable breeding bird habitat must be carried out side of the breeding bird season (March to August inclusive). If that is not possible we recommend that an ecologist examines the site prior to works starting and if breeding birds are recorded all works must cease in that area until all the young have fledged.

Bats

- 21 We are satisfied that the building has limited potential for roosting bats to be present and require no additional information to be provided.
- 22 Bats have been recorded within the surrounding area as a result the lighting must be designed to minimise impact on foraging and commuting bats. We advise that

the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to when designing the lighting.

Ecological Enhancements

- 23 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".
- 24 We welcome the creation of a native hedgerow within the site. In addition the enhancements recommended within paragraph 4.3 – 4.6 must be incorporated in to the proposed development site.

KCC Public Rights of Way Officer – 13.12.13

- 25 Public Rights of Way Footpath SR5771 runs south of the application site along the private access drive to the properties to the east and is the only vehicular access route. I do not anticipate that there will be any substantial increase in vehicular traffic, apart from contractors' vehicles during construction works on the site, as the footpath is already used to access three other residential properties. It would be advisable for the applicant to put up signs warning contractors that the track is used by pedestrians. There will need to be adequate room for parking contractors' vehicles within the site to prevent obstruction of the path.
- 26 The County Council has a controlling interest in ensuring that Footpaths are maintained to a level suitable for use by pedestrians. Any maintenance to the higher level required for vehicular access would be the responsibility of the landowner/applicant and any damage caused by motor vehicles would need to be repaired by them. Any damage caused by construction traffic would need to be repaired to the pre-development surface condition.
- 27 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.
- 28 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, contractors' vehicles or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. This means that the boundary fencing must stay in the same position in relation to the right of way as it is at present and the gate must open inwards away from the right of way (Section 153 Highways Act 1980).

Representations

29 One letter of support has been received.

Chief Planning Officer's Appraisal

Principal Issues

Impact on the Metropolitan Green Belt –

- 30 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para. 89).
- 31 The NPPF also states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These forms of development include the re-use of buildings provided that the buildings are of permanent and substantial construction (para. 90).
- 32 With regards inappropriate development in the Green Belt the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 87). 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 (para. 88).
- 33 Policy GB3A of the Local Plan supports the conversion and re-use of existing buildings in the Green Belt provided 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. This policy is therefore considered to be partly consistent with the NPPF.
- 34 The proposal is slightly unusual in that it proposes the restoration of a building that has lost several sections of its original structure. However, the historic mapping that the Council possesses clearly shows that the oast building would have once stood on the site in its entirety prior to 1948. As such, the alterations proposed to the existing building to return it to as close to its former appearance as is possible would not result in disproportionate additions over and above the size of the original building.
- 35 The re-use of the restored building for residential purposes would preserve the openness of the area since the building is proposed to be built as closely to match the appearance of the original building as possible. The only impact on openness would therefore be from the creation of a residential curtilage around the building and the associated hard standing and paraphernalia that is attached to a residential use.

- 36 The application site is already physically separated from the adjacent field by an existing fence. The proposal includes a small extension to the northern boundary of the site but this is not significant. The existing fencing therefore provides a natural break between the site and the adjoining field, and this natural break would continue to be in place between the proposed residential curtilage and that neighbouring field. The site is not significant in size and lies adjacent to existing residential properties and so I am of the opinion that the proposal would preserve the openness of the area and would not conflict with the purposes of including land in Green Belt.
- 37 However, the NPPF and policy GB3A of the Local Plan both stipulate that the re-use of buildings is acceptable provided that the buildings are of permanent and substantial construction. Obviously the building in its existing form is not of permanent and substantial construction.
- 38 A case for very special circumstances therefore needs to be considered in this instance. To my mind a conflict exists within the NPPF and between the NPPF and policy GB3A. On the one hand the NPPF permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, to then re-use a building it must be of permanent and substantial construction, and not have a greater impact than the existing use.
- 39 If the applicant separated the proposal out, proposed the alteration of the building to restore the oast house and once completed applied to convert the building to a residential use it is unlikely that the Council would have grounds to prevent this from occurring in this instance. I am therefore of the opinion that the conflict within the policy should not prevent this current application.
- 40 The applicant has also put forward a number of other very special circumstances that mainly involve the restoration of the curtilage listed building, which should be given material weight. The building is curtilage listed, due to its historic link to the listed farmhouse to the south-east of the site, and so is a designated heritage asset. As such there is a duty on the Council to have special regard to the desirability of preserving the building. It is also the case that great weight should be given to the asset's conservation.
- 41 A Listed Building Consent application for the proposed works has been approved by the Council, which gives significant weight to the fact that the Council wishes to preserve the historic interest the building possesses. This historic interest comes about from the historic link to the nearby listed farmhouse. The granting of the Listed Building Consent also adds significant weight to the argument that the heritage asset should be preserved. This distinguishes the current application from other Green Belt proposals that would not involve restoration of a heritage asset.
- 42 In my view, the restoration of the building to provide a residential dwelling would not only serve to retain the curtilage listed building but would also result in a development that would sit very comfortably within its setting given the fact that all the surrounding buildings are either in residential use or are capable of being converted to a residential use.
- 43 Overall, I am of the opinion that although the proposal is for inappropriate development, the harm in this case is limited given the content of the NPPF and

that the very special circumstances that apply in this instance involving the restoration of a heritage asset are sufficient to outweigh the harm that the proposal represents.

Impact on the curtilage listed building –

- 44 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 45 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 46 As noted above, the building is curtilage listed and so has significance due to its historic link to the listed farmhouse to the south-east of the site. The application seeks the approval of the restoration of the building. I would acknowledge that the existing building would obviously need to be altered to return the building to its original form. However, the applicant intends to carry out the works to create a building that as closely represents the original building as is possible and the existing original structure would be retained. To enable this, the existing structure does hold some clues as to how the building stood and these have been used by the applicant in the design of the scheme.
- 47 The Council's Conservation Officer noted their satisfaction that the proposed works would result in the restoration of the original oast as far as is known and is evidenced by photographs and information from historical evidence of other oasts in Kent as part of the consideration of the approved Listed Building Consent application for the same development. This was subject to several conditions, which are currently in the process of being discharged.
- 48 I would therefore conclude that the proposed scheme would conserve the significance of the curtilage listed building.

Impact on the AONB –

- 49 The NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 50 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. It is therefore considered that this policy is broadly consistent with the NPPF.
- 51 The proposal would result in the restoration of the oast house, which evidently once stood on the site. Since the proposal comprises the restoration of a building that once stood on the site and would form part of the wider group of former agricultural buildings I am of the opinion that the development would conserve the landscape and scenic beauty in the AONB.

Impact on biodiversity –

- 52 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 53 The Biodiversity Officer has stated that they are generally satisfied with the findings of the ecological scoping survey and suggest that several of the recommendations made within the report are adhered to. These can be made conditions on any approval of consent.
- 54 One further matter that was previously raised is the recommendation made that the site be maintained to ensure that reptiles do not inhabit the site before any development takes place. This can be done by maintaining the site to ensure that the site does not become the type of habitat that would attract reptiles.
- 55 The applicant has confirmed that they have maintained the site since the report was completed in 2011 and to ensure this continues it is possible to condition the maintenance of the site until development commences.
- 56 The proposal would therefore conserve biodiversity on the site.

Impact on neighbouring amenity –

- 57 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.
- 58 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.
- 59 The majority of neighbouring properties are sufficient distance away not to be significantly impacted upon, with a minimum distance of separation of over 30m.
- 60 The Council has recently granted consent for the former agricultural barns to the south of the site, now known as Tess Barn, to be converted to a residential use. Once completed the two sets of buildings would be separated by minimum distance of about 8m. However, no first floor window would have a direct view across to windows of the neighbouring buildings and sufficient distance exists between the buildings to ensure that loss of daylight and sunlight is not detrimental and that outlook from west facing windows in the neighbouring property is not significantly impacted upon.
- 61 The proposal would therefore preserve the amenities of the occupiers of adjacent properties and of future occupants of Tess Barn and the oast house.

Other Issues

Parking provision and highways safety –

- 62 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.

- 63 Current parking standards require two independently accessible parking spaces. The proposal involves the provision of two parking spaces, with an additional area for turning within the site.
- 64 The proposed access would link to an existing access onto the lane and this arrangement is wholly acceptable.
- 65 The proposal would therefore ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.

Public Right of Way –

- 66 A public footpath runs to the south of the site and would not be affected by the proposed development. The applicant can be notified by way of informative that any works that do directly affect the footpath would first need the approval of Kent County Council. The applicant can also be notified about providing notice to contractors regarding the existence of the footpath to ensure that if they are accessing the site via the footpath they are aware of pedestrians.

Sustainable construction –

- 67 Policy SP2 of the Core Strategy requires that all new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes.
- 68 This is an issue that has been acknowledged by the applicant in that they have indicated several means by which they would seek to achieve Code Level 3. However, a condition can be attached to any grant of consent that would require the applicant to demonstrate in full that the development can achieve Code Level 3.

Affordable housing contribution –

- 69 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.
- 70 The applicant has agreed to provide a financial contribution in line with policy SP3. As noted above, this provision is now contained within a completed legal agreement that has been accepted by our Solicitor.
- 71 The proposal therefore now wholly complies with policy SP3 of the Core Strategy.

Sustainable development –

- 72 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.

73 In my opinion, the proposed scheme fully accords 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.

Access Issues

74 None relating to this application.

Conclusion

75 I consider that the proposed development would conserve the landscape and scenic beauty in the AONB, would conserve biodiversity, and would preserve the amenities of the occupiers of adjacent properties and of future occupants of Tess Barn and the oast house. Any impact the development would have on the Green Belt would be limited and very special circumstances exist in this instance, which are sufficient to outweigh the limited harm that the proposal represents. Consequently the proposal is wholly in accordance with the development plan and the Officer's recommendation is to approve.

Background Papers

Site and Block plans

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

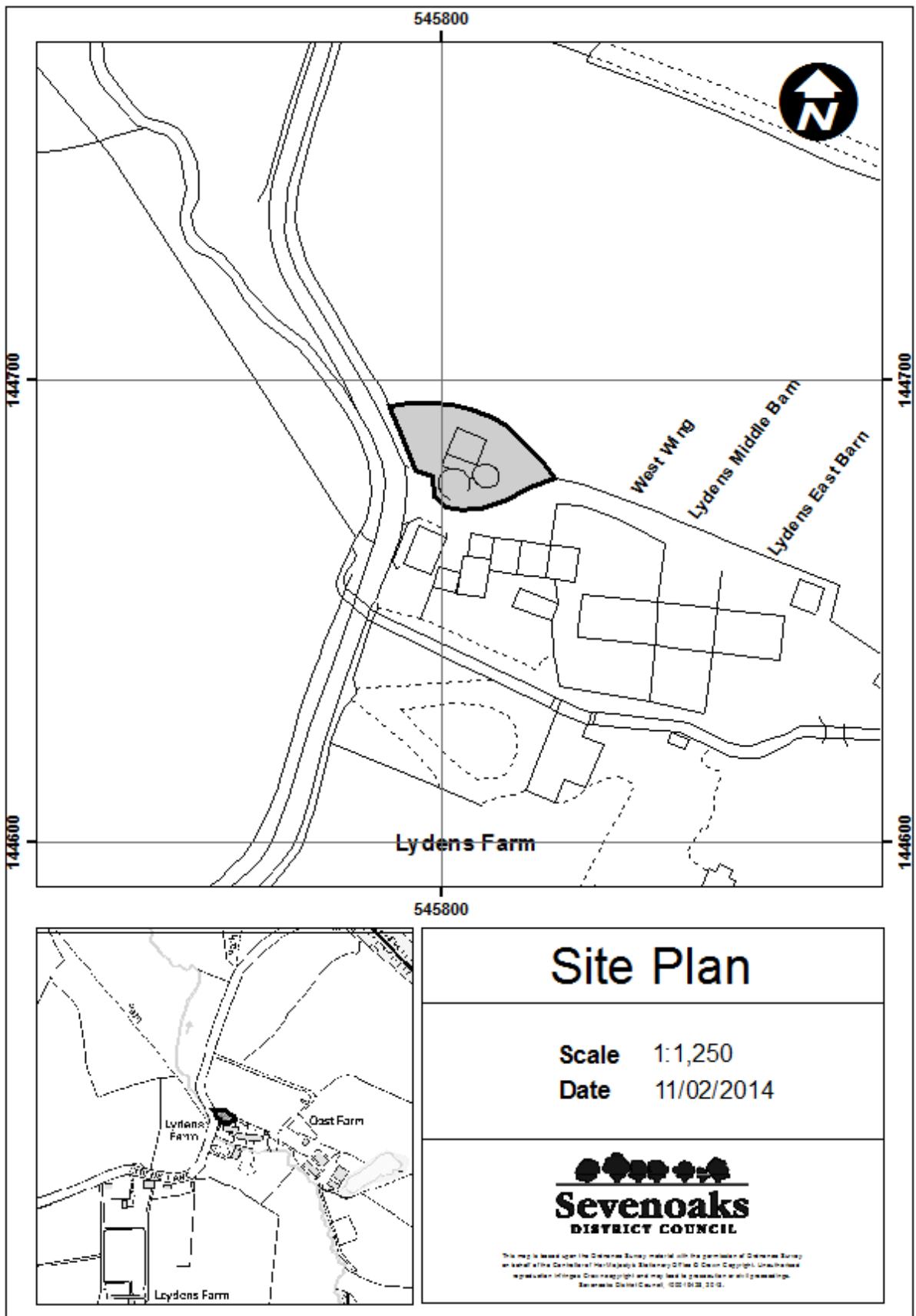
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MW6ZPVBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MW6ZPVBK8V000>



Site Plan

Scale 1:1,250
 Date 11/02/2014



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Block Plan

