

4.2 - SE/13/03718/FUL Date expired 10 April 2014

PROPOSAL: Demolition of an outbuilding within the curtilage of Dairy House, subdivision of the plot and the erection of a four bedroom dwelling with two parking spaces. As amended by revised Location Plan received 13/2/2014.

LOCATION: Land West Of Dairy House, Shoreham Road, Shoreham TN14 7UD

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Lowe due to concerns about the function, design and location of the proposed development and the absence of any very special circumstances.

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: S13/3878/01, S13/3878/02, 4576-PD-010 Rev C; 4576-PD-011 Rev B; 4576-PD-012 Rev A; 4576-PD-013.

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

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

To ensure that the appearance of the development enhances the character and appearance of the site and Kent Downs Area of Outstanding Natural Beauty as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 4576-PD-010 Rev C shall be provided and shall be kept available for the parking of cars at all times.

In the interests of highway safety and visual amenity as supported by policies EN1 and VP1 of the Sevenoaks District Local Plan.

5) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;

- b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
- d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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

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

To prevent inappropriate development in the Green Belt as supported by policy EN1 of the Sevenoaks District Local Plan.

- 7) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by policy EN1 of the Sevenoaks District Local Plan.

- 8) The development hereby approved shall achieve a minimum of Code for Sustainable Homes Level 3. Evidence shall be provided to the Local Planning Authority:
 - i) Prior to the commencement of development, of how it is intended the development will achieve a minimum of Code for Sustainable Homes Level 3 or alternative as agreed in writing by the Local Planning Authority; and
 - ii) Prior to the first occupation of the development, that the development has achieved a minimum of Code for Sustainable Homes 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 in accordance with policy SP2 of the Core Strategy (2011).

- 9) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved.

To ensure that historic building features are properly examined and recorded in accordance with policy EN25A of the Sevenoaks District Local Plan.

- 10) No development shall take place until the applicant, or their agents or successors

in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

To ensure that historic building features are properly examined and recorded in accordance with policy EN25A of the Sevenoaks District Local Plan.

11) Details of any outside lighting shall be submitted to and approved in writing by the Council before the first occupation of the development. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policies EN1 and EN17B; of the Sevenoaks District Local Plan.

12) Prior to the commencement of development, full details of appropriate measures to mitigate and enhance the biodiversity and nature conservation value of the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the details so approved prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and EN17B of the Sevenoaks District Local Plan and the National Planning Policy Framework.

13) No development shall take place until a bat mitigation strategy has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

In order to mitigate the impact of the development on nature conservation site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and EN17B of the Sevenoaks District Local Plan and the National Planning Policy Framework.

14) The hereby approved roof lights shall be conservation-style and fitted flush with the slope of the roof.

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

Informatives

1) 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.

2) Your attention is drawn to the comments of KCC Public Rights of Way on this application in addition to the comments below.

3) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact this Council for further information. It is an offence to obstruct a public right of way.

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) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Full planning permission is sought for the demolition of an existing outbuilding within the curtilage of Dairy House, subdivision of the plot and the creation of a new dwelling. Permission is also sought for reconfiguration of the driveway, erection of post and rail fence and paved side access.

Description of Site

- 2 The site is located within the Darent valley to the west of the A225 Shoreham Road and forms part of the historic complex of Preston Farm. The site shares an access road with Preston Farm. The application site comprises an old barn situated immediately to the west and within the curtilage of Dairy House (a residential dwelling), immediately north of Preston Farm and immediately east of an oast in use as an office building. The site benefits from open and panoramic views to the north. There are no trees of significant size or amenity value in close

proximity to the site. The existing building is not statutorily listed and is not located within a designated conservation area.

Constraints

- 3 Metropolitan Green Belt
- 4 Kent Downs Area of Outstanding Natural Beauty
- 5 Area of Archaeological Potential

Policies

Sevenoaks Core Strategy

- 6 Policies - SP1, SP2, SP3, SP11, L01, L08.

Sevenoaks District Local Plan

- 7 Policies - EN1, EN17B, VP1

Other

- 8 National Planning Policy Framework
- 9 Sevenoaks Countryside Assessment SPD
- 10 Kent Downs AONB Management Plan
- 11 Affordable Housing SPD
- 12 Natural England Standing Advice

Planning History

- 13 13/02972/FUL: Demolition of outbuilding within the curtilage of Dairy House, subdivision of plot and the creation of a new dwelling, relaying of the driveways, erection of post and rail fence and paved side access to barn. WITHDRAWN 29.11.2013

Dairy House:

- 14 13/00671/LDCEX: Residential occupation of Dairy House, Preston Farm in non compliance with condition (iii) of planning permission SW/5/72/462(A) (agricultural occupancy condition). Granted 30-Apr-2013.

Consultations

Shoreham Parish Council:

- 15 Shoreham Parish Council objects to the proposed development for the following reasons:

Strict guidelines of constraint are applicable within the Green Belt.

The proposed development is a new building, not a replacement or a conversion.

1. Function - It is residential as opposed to an agricultural barn.
2. Design - The proposal is a total departure from the style of the existing barn.
3. Location - The proposal repositions the property within plot and will not be within the existing footprint.
4. There are no special circumstances to support the erection of a new property at this location.

Kent County Council Archaeology Officer:

16 The site is part of the historic complex of Preston Farm which is identifiable on the 1st Ed OS map. This farm was a courtyard farm of at least 19th century date and may have earlier origins. The building to be demolished is one of the outbuildings identifiable on the 2nd Ed OS map and is potentially one of the few surviving remnants of the post medieval farm complex. Dairy House seems to be of modern build and is not part of the historic farm complex. The English Heritage Farmstead Survey records this farm as being of interest but does state that only half of the original form survives. The demolition of the outbuilding would increase the loss of historic components of the Preston Farm. The introduction of a residential building would change the historic character of the application site. In view of the past gradual loss of historic farm buildings across this site, I have no archaeological objections to this proposal. However, in view of the historic post medieval farming interest of the outbuilding, I recommend a brief programme of historic building recording work is undertaken prior to demolition, followed by monitoring of ground works for the new build.

17 The following conditions would address these recommendations:

AR7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded; and

AR4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Kent County Council (Highways):

18 No response received. However response to previously withdrawn application: *'Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority'.*

Kent County Council (Public Rights of Way and Access):

- 19 Public Rights of Way Footpath SR19 crosses the vehicle access track at its southern corner. I do not anticipate that it will be affected by the development other than a slight increase in the amount of vehicular traffic. There is good visibility at this point as long as the tree at the south-eastern corner of the field is kept cut well back. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information. 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.
- 20 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials 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.
- 21 The Design and Access and Planning Statement says in 4.21 that the existing road to the barn will be re-laid with a permeable surface. The applicant should ensure that there is no change of level between the road surface and the verge, at the point where the footpath crosses the drive, which could present a trip hazard. A footpath width of two metres should be maintained at the crossing point. I would also advise the applicant to put up signage to make demolition and construction drivers aware that pedestrians may be crossing the track at this point.

Kent County Council (Ecological Advice Service) (in summary):

- 22 We have reviewed the ecological information which has been submitted for comments and we are satisfied with the information which has been provided and we require no additional information to be provided prior to determination of the planning application.
- 23 Bats: The submitted bat survey reports have detailed that bats have been recorded roosting within the barn that is proposed to be demolished. The submitted reports have provided an outline of the mitigation which is required – however if planning permission is required we recommend that a detailed mitigation strategy is submitted for comment as a condition of planning permission. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance

is adhered to in the lighting design (see end of this note for a summary of key requirements).

- 24 Breeding Birds: There is suitable habitat present on site to be used by breeding birds. All breeding birds and their young are legally protected against disturbance under the Wildlife and Countryside Act 1981 (as amended). As such, if planning permission is granted, the work should be carried out outside of the breeding bird season (March – August inclusive). If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all the young have fledged.
- 25 Enhancements: One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 26 The report has not recommended any mitigation/enhancements which can be incorporated in to the site. As such we recommend that further information is submitted for comment detailing ecological enhancements which are appropriate and can be incorporated in to the site.

Natural England:

- 27 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21 October 2013. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application relate largely to design, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Thames Water (in summary):

- 28 Waste Comments: Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 29 Water Comments: On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Representations

- 30 The site plan was amended during the course of the application and statutory consultation has been carried out twice. Neighbour notification letters were sent to occupiers of properties surrounding the application site. Site notices and press notices were published and displayed on 06/01/2014 and 10/01/2014. No written representations received.

Chief Planning Officer's Appraisal

- 31 The main issues relate to
- The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
 - If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - Design and impact on the character and appearance of the AONB;
 - Impact on archaeology;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on biodiversity and ecology;
 - Affordable housing.

Whether the proposal is inappropriate development:

32 Current Government advice, in the form of the NPPF, supports the protection of the Green Belts and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice 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.

33 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except for a limited number of exceptions, including

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

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.”

34 The existing barn lies within the established residential curtilage of the Dairy House (as evidenced by the Lawful Development Certificate reference 13/00671/LDCEX) and is in use as an outbuilding in connection with the residential use of the Dairy House (as evidenced by the affidavit by the applicant). Notwithstanding whether the replacement building would be materially larger than the existing, a self-contained dwelling would not be the *same use* as an ancillary outbuilding. Therefore, whilst the specific circumstances of the use in this case may be a material consideration for the purposes of considering whether any very special circumstances exist; it does not make the development appropriate.

35 With regards to the second exception to inappropriate development listed above, Annex 2 of the NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

36 Notwithstanding the existing use of the barn as an outbuilding ancillary to the residential use of the Dairy House, the existing barn clearly has agricultural origins and was historically used in conjunction with the agricultural use of the adjacent Preston Farm. Under both exceptions listed in paragraph 89 of the NPPF, the replacement of the barn with a dwelling would constitute inappropriate development, which by definition is harmful to the Green Belt.

Effect on openness and the character and appearance of the area:

37 Policy L08 of the Core Strategy also applies and states that the extent of the Green Belt will be maintained. The policy also states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.

38 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 considered reasonable that any assessment of openness is based on a comparison of the existing and replacement buildings in terms of their footprint, size, height, bulk, volume and design and whether any of these elements, either individually or combined, would result in unacceptable harm to the openness of the Green Belt. The following table compares the existing and proposed buildings.

| | Existing barn | Proposed dwelling | Difference |
|----------------------------|----------------------|--------------------------|-------------------|
| Footprint (sqm) | 118.23 | 115 | -3.23 |
| Depth (north to south) (m) | 6.6 | 8 | +1.4 |
| Length (east to west) (m) | 18 | 13.7 | -4.3 |

| | | | |
|-----------------------------|-----------|--------|----------|
| Height to ridge (m) | 7 | 7.6 | +0.6 |
| Height to eaves (north) (m) | 3.2 - 3.8 | 2.5 | -0.7-1.3 |
| Height to eaves (south) (m) | 3 - 3.6 | 5.1 | +1.5-2.1 |
| Volume (m ³) | 549.5 | 632.79 | +15% |

- 39 The existing barn has been reduced from its original size but now comprises a simple rectangular form with dual pitched roof. The replacement dwelling would comprise a similar rectangular form albeit with a deeper plan and shallow projecting full-height bay on the front (southern elevation). The roof would comprise a dual pitch with hips at either end. In terms of footprint, the proposed building (115sqm) would occupy a marginally smaller area than the existing barn (118.23sqm) and in terms of size would be 4.3m narrower (east to west) and 1.4m deeper (north to south). The replacement building would also be reoriented on the plot to be set further away from the adjacent Dairy House building.
- 40 In terms of height the ridge of the proposed building would be 0.6m higher than that of the existing barn; however by reason of the proposed incorporation of hips, the ridge would be 3.5m narrower at that height than the ridge of the existing barn. The height of the eaves of the most prominent (north facing) elevation would be 2.5m which would be lower than the eaves of the existing barn (which vary between 3.2m and 3.8m in height). The eaves of the front (south facing) elevation would be higher than the existing barn and would be equivalent to the eaves height of the adjacent oast and Dairy House buildings.
- 41 Whilst the proposed building would occupy a 15% greater volume than the existing barn; it would appear less bulky than the existing from the most prominent rear elevation by reason of the lower eaves height and long sloping roof. The front (south facing) elevation would appear bulkier by reason of the higher eaves and full-height central bay; however by reason of its limited projection from the main building line (1.2m) and the incorporation of a hipped roof to match the main roof it would only result in a very small reduction on the openness of the Green Belt as appreciated from within the former Preston Farm complex. The barn would be appropriately scaled, traditionally designed and in terms of materials the timber weather-boarded elevations would respect the origins of the existing barn and its rural setting.
- 42 The proposed residential curtilage would be wholly taken from the existing residential curtilage of the adjacent Dairy House which means there is no increase in the area of land in residential use as a result of the development. Subject to appropriate conditions to prohibit further development in terms of extensions or alterations or erection of outbuildings, the development would not result in any greater harm to openness than that resulting from the established residential use of the land associated with the Dairy House.
- 43 The proposed replacement building would not be materially larger than the existing building and by reason of its revised orientation, form and design the impact on the openness in the Green Belt would be little changed.

Design and impact on the character and appearance of the AONB:

- 44 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of

the area in which it is situated. Policy EN1 of the Local Plan states that the form of 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.

- 45 The site is located within the Kent Downs Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. Policy L08 of the Core Strategy states that the distinctive character of the Kent Downs Area of Outstanding Natural Beauty will be conserved and enhanced.
- 46 The existing building is of a modest scale reflecting its functional, agricultural origins; however in terms of size, design and materials has been altered over time. In particular a substantial part of the original barn has been removed from the north elevation and the former opening bricked up in exposed blockwork. In terms of design, materials and detailing the proposed building would be of high quality and respond to the traditional form of the existing building, particularly as appreciated in long views from the north. The Kent Downs AONB Management Plan identifies that the Kent Downs has a rich tradition of half-timbered and weather-boarded buildings and the proposed development would be consistent with this. The building would incorporate appropriately scaled door and window openings and modest roof lights (it is recommended conservation-style roof lights be secured by condition) and whilst the installation of glazed elements would make the building more prominent than the existing it would not be of such significance as to have a harmful visual impact either in long views from the public highway or shorter views from the public right of way that passes through Preston Farm. The proposed development would not be harmful to or detract from the character, appearance or landscape and scenic beauty of this part of the Kent Downs AONB.

Impact on archaeology:

- 47 The site is located within an area of archaeological potential where policy EN25A of the Local Plan is relevant and seeks to preserve and protect sites and where appropriate, the settings, of all archaeological remains. The Kent County Council Archaeology Officer has identified that the application site is part of the historic complex of Preston Farm, a courtyard farm dating from at least 19th century and that the barn itself is potentially one of the few surviving remnants of this post medieval farm complex. Whilst no archaeological objections are raised to the proposal it is recommended that a brief programme of historic building recording work is undertaken prior to demolition, followed by monitoring of ground works for the new build. It is recommended that this be secured by condition.

Impact on residential amenity:

- 48 Policy EN1 of the Local Plan lists a number of criteria to be applied in the consideration of planning applications. In particular, criteria 3 states that proposed development, including changes of use, does not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels, including vehicular or pedestrian movements.

- 49 The proposed dwelling would have no harmful impact on the residential amenities of occupiers of the Dairy House, located immediately to the east of the site. This is by virtue of the proposed building being set further away than the existing barn and behind the established building line. Subject to conditions to secure an appropriate boundary treatment with the Dairy House and to obscure glaze the ground floor level windows in the flank elevation the development would have an appropriate relationship with that building. The only other residential building in the vicinity of the site is the farmhouse located approximately 20m south of the site. Again by virtue of the separation distance and respective orientations of the two buildings the development would not result in any harm to the amenities of the occupiers.

Impact on highway safety:

- 50 Policy EN1 of the Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. The development would provide safe vehicular access via the shared access drive from Shoreham Road consistent with the Dairy House and other dwellings and commercial uses within the former Preston Farm complex. The development would benefit from dedicated forecourt parking for 2 cars in compliance with relevant parking standards and would not cause any harm to highway safety.

Impact on biodiversity and ecology:

- 51 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 52 A bat survey has identified that the existing barn is used as a roost for bats, albeit is of low significance. The Kent Ecology Officer is satisfied with the details provided subject to appropriate conditions relating to further details of proposed mitigation, details of suitable ecological enhancement measures and details of proposed external lighting.
- 53 Subject to appropriate conditions suitable soft and hard landscaping would be provided in accordance with policy EN1 of the Local Plan.

Affordable housing:

- 54 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 off-site affordable housing provision. The proposed development makes provision for an affordable housing contribution of £28,445 which is consistent with the requirements of policy SP3 and the Affordable Housing SPD and the development would be acceptable in this regard.

Very special circumstances

- 55 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances (paragraph 87).
- 56 The existing Dairy House benefits from permitted development rights that would enable the erection of additional outbuildings beyond the rear building of the Dairy House and within the northern part of the application site adjacent to the fields. A grant of planning permission for the proposed development would be subject to a condition to remove permitted development rights from the new dwelling and would thereby prevent the potential for additional ancillary development within this prominent part of the Green Belt and Kent Downs AONB.
- 57 The fact that the existing barn lies within the established residential curtilage of the Dairy House (as evidenced by the Lawful Development Certificate reference 13/00671/LDCEX) and is in use as an outbuilding in connection with the residential use of the Dairy House (as evidenced by the affidavit by the applicant) is a material consideration. Whilst I disagree with the applicant that the existing use of the barn makes the proposed development appropriate for the purposes of the NPPF, it is relevant to note that were it not for its historic use related to agriculture, the development could be capable of being appropriate in the Green Belt, and it would only have a very small impact on the openness of the Green Belt.
- 58 The applicant has emphasised that the new building would be well designed, sympathetic to the character of the area and site and designed to minimise visual intrusion into the landscape, specifically in terms of use of materials, scale and landscaping. Whilst these factors weigh in favour of the scheme they do not in themselves amount to the very special circumstances required. However, I consider that combined with the specific circumstances of the existing use of the building and curtilage and the opportunity to remove permitted development rights, the necessary very special circumstances exist to clearly outweigh the harm to the Green Belt resulting from the inappropriate nature of the development and the very small impact on openness.

Other matters

- 59 In order to comply with policy SP2 of the Core Strategy (Sustainable Development), it is recommended that a requirement to achieve minimum Code for Sustainable Homes Level 3 be secured by condition.

Conclusion

- 60 The proposed replacement building would constitute inappropriate development in the Green Belt and cause a very small reduction of openness in comparison with the existing building which it replaces. However the specific circumstances of the site, including the ancillary residential use of the outbuilding and extent of existing residential curtilage are considered to amount to the very special circumstances required to outweigh this harm. The development is considered to be acceptable in all other regards, including in terms of preserving the character and appearance of the Kent Downs AONB, mitigating impacts on biodiversity,

ecology and nature conservation and in terms of highways safety and affordable housing provision.

Recommendation: Approve subject to conditions

Contact Officer(s): Matthew Durling Extension: 7448

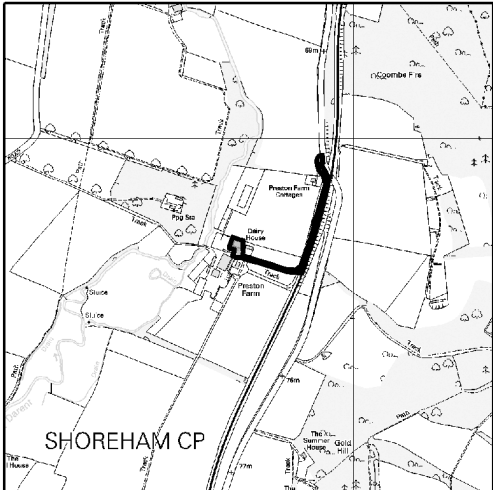
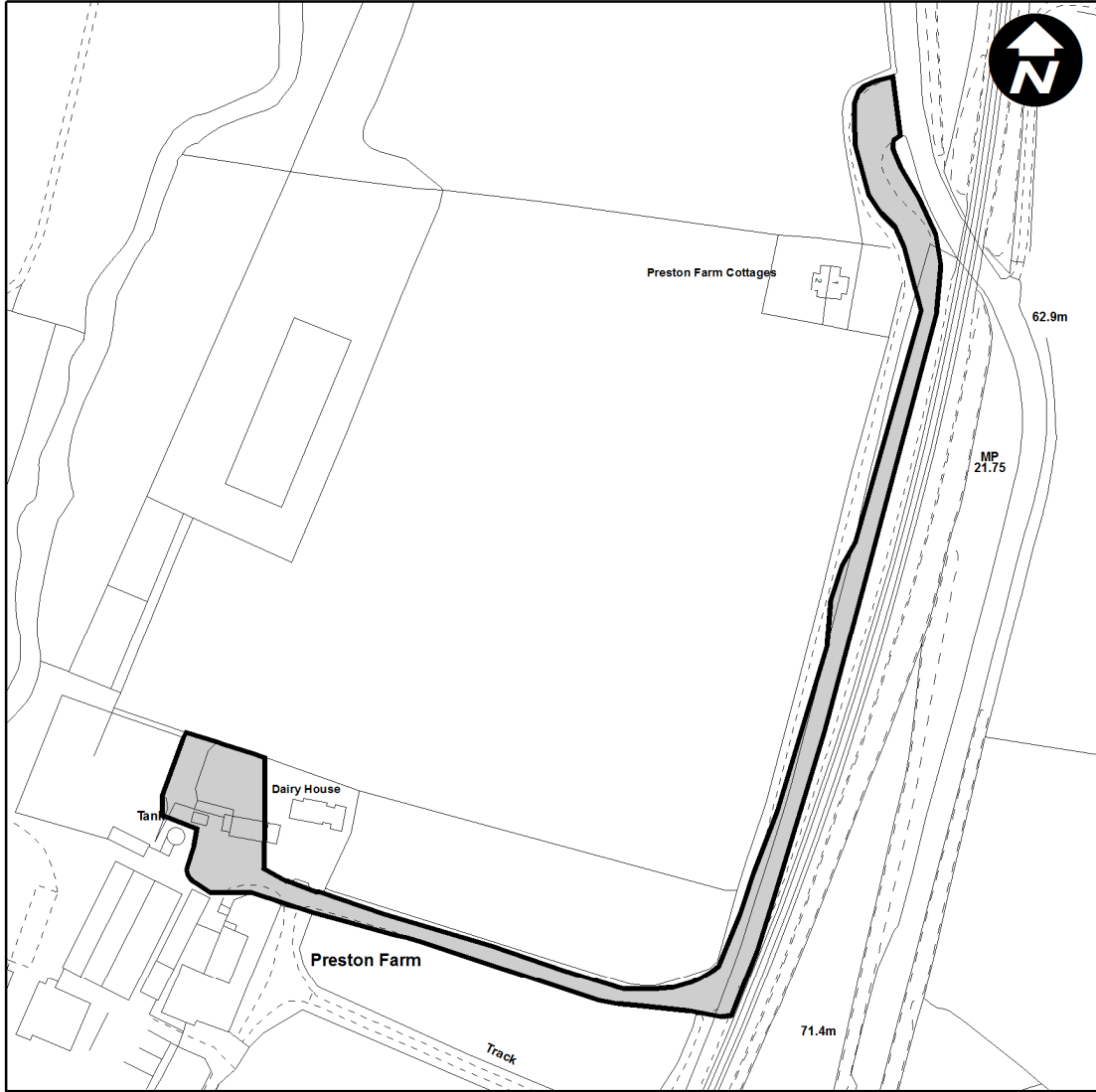
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX00YNBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX00YNBK8V000>



Site Plan

Scale 1:2,500

Date 01/04/2014



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