

4.1 – SE/14/01523/HOUSE Date expired 17 September 2014

PROPOSAL: Conversion of existing attached domestic stable into habitable rooms for use as one dwelling house.

LOCATION: The Dyehurst Stud, Dyehurst Lane, Hever TN8 7LB

WARD(S): Cowden & Hever

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Neal who is concerned about the potential impact on the Metropolitan 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1990 (or any order revoking, re-enacting or modifying that Order) no development permitted under Classes A, B, C, D, E or F of Schedule 2 to Part 1 of the Order shall be carried out to the enlarged dwelling hereby permitted, or undertaken within its curtilage, without the prior written approval of the Local Planning Authority.

To prevent over development of the site as supported by the National Planning Policy Framework.

3) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied and thereafter permanently retained.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall take place until full details of any additional external lighting to be provided to the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting, which shall be designed to be sensitive to bats and to accord with the best practice guidelines contained within the document 'Bats and Lighting in the UK' published by The Bat Conservation Trust, shall be completed in accordance with the approved details before the dwelling is first occupied and shall not thereafter be altered or extended without the prior approval in writing of the Local Planning Authority.

To ensure the long term retention of bats in the area as supported by the National Planning Policy Framework.

5) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.

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

6) All soft landscape works shall be carried out in accordance with the approved details prior to the occupation of additional section of the dwelling or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans: WAT-01 090801.3, WAT-05 and DH03.

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

Note to Applicant

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

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

Description of Proposal

- 1 The application seeks the approval of the conversion of remaining half of the building to extend the existing dwelling that comprises the converted half of the barn. Works to the building necessary to enable the conversion would involve no external alterations, only internal works to provide the layout of the proposed house separate from the area of retained stabling. Access to the building and parking would continue to be provided via the existing access onto the lane to the south of the site and the existing hard standing on site.
- 2 The application follows the recent approval of consent for conversion of one half of the building to a residential dwelling. These works were allowed on appeal by the Inspector. The other alteration is the proposal to include some of the residential curtilage of the neighbouring property, Greenlands Farm, which is also in the ownership of the applicant.

Description of Site

- 3 The application site comprises a large barn building, which has been partly converted to a residential dwelling, and its associated amenity land. The site lies on the east side of Uckfield Lane just to the south of the junction with Pigdown Lane. The site is accessed via a driveway from the lane to the south. The site is relatively level and is generally bounded by mature hedging that is well maintained.

Constraints

- 4 The site lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty (AONB).

Policies

Sevenoaks District Local Plan

- 5 Policies – EN1 and GB3A

Sevenoaks District Core Strategy

- 6 Policies – LO1, LO8, SP1 and SP11

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 7 Policies – SC1, EN1, EN2, GB7 and T2 (significant weight)

Other

- 8 The National Planning Policy Framework (NPPF)

Planning History

- 9 SE/04/02071 - Demolition of existing barn and erection of 6 stables, tack room, feed room plus new access and boundary fencing and gates. Granted 24.09.04.

SE/12/00100 - Conversion of part of existing barn to separate 2no. bed holiday let. Refused 20.03.12

SE/12/01062 Conversion of part of existing barn to separate 2no. bed holiday let. Granted 03.08.12

SE/13/00230 Conversion of part of existing domestic stable building to provide a two bedroom dwelling house. Refused 01.05.13, Appeal allowed 21.10.13

Consultations

Hever Parish Council – 12.06.14

- 10 'We object to the planning application as we consider the development to be harmful to the open character of the Green Belt. We consider the application for change of use from stabling to a dwelling to be contrary to Green Belt Policies. There are not any special circumstances to allow development to take place; therefore substantial weight should be given to the potential harm to the Green Belt.'

Natural England – 07.08.14

- 11 No objection received.

KCC Biodiversity Officer - 15.08.14

- 12 'As the building has only been built in the last 5 years we are satisfied that our comments remain unchanged since we provided comments on SE/12/01062/FUL in May 2012.
- 13 We note that our previous comments have been submitted with this new application however the comments were not submitted in full. Please see below for our full comments.
- 14 No ecological information has been provided with this application. However as a result of reviewing the information submitted with this application, the photos provided by the planning officer and the desk top information we have available to us (including biological records and aerial photos) we feel there is minimal potential for it to impact protected species.
- 15 We require no further information to be submitted.

Bats

- 16 Bats have been recorded within the surrounding area and bats may use the site for foraging or commuting. Lighting can be detrimental to roosting, foraging and commuting bats. We also 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).

Enhancements

- 17 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".
- 18 Although this is only a small development enhancements can still be incorporated in to the site.

- 19 We recommend that bat boxes are erected on the buildings or elsewhere on site to provide new roosting opportunities for bats.
- 20 Any planting which is proposed for the site must incorporate native species.

Representations

- 21 Thirty-one letters of representation have been received, eight in support of the application, and twenty-three objecting to the scheme on the following grounds:
- Impact on Green Belt;
 - Impact on the AONB;
 - The need for further stables;
 - Impact on visual amenity;
 - Layout and density of buildings;
 - Future development;
 - The need for the proposed development;
 - The planning history of the site;
 - The setting of a precedent; and
 - Impact on biodiversity.

Chief Planning Officer's Appraisal

- 22 The main issues in this case are the potential impact on the Metropolitan Green Belt, the potential impact on the AONB and the potential impact on residential amenity. Other issues parking provision, the potential impact on highways safety, the potential impact on biodiversity and sustainable development.

Main Issues

Impact on the Metropolitan Green Belt –

- 23 Paragraph 90 of the NPPF states that the re-use of buildings is not inappropriate in Green Belt provided they preserve the openness of the Green Belt, do not conflict with the purposes of including land in Green Belt and provided that the buildings are of permanent and substantial construction.
- 24 Policy GB7 of the ADMP states that proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:
- a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
 - b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.

- 25 Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.
- 26 Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.
- 27 Policy GB3A of the Local Plan states that the Council will permit the re-use of buildings within the Green Belt providing the proposal complies with the following criteria:
- 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.
- 28 The acceptability of the principle of the development has been established by the recent Inspectors decision for the property. For the reasons that no alterations were proposed, the building is of a permanent and substantial construction and its form is in keeping with its surroundings the Inspector found that the proposed re-use of part of the building would not represent inappropriate development for the purposes of both National and Development Plan policy.
- 29 The Inspector also took the view that since the building already exists and there was no evidence before him to demonstrate that a permanent use would require any additional domestic paraphernalia, as compared to that associated with use as a two bedroom holiday let, the development would not adversely impact upon the openness of the Green Belt.
- 30 The application now seeks the conversion of the remaining half of the building to extend the existing dwelling. Since the Inspector issued his decision policy GB7 of the ADMP has gained significant weight. This policy, however, reflects the content of the NPPF and policy GB3A of the Local Plan and so I would suggest that little has changed from a policy point of view since the Inspector considered the recent appeal.
- 31 Policy GB7 does state it is necessary that the applicant needs to demonstrate that there is no longer a need for the building if it was built within the last 10 years. However, this is specifically the case if the application relates to an agricultural building. The existing building was constructed for the purposes of privately keeping horses, which does not fall within an agricultural use.
- 32 I am of the view that the use of the remaining half of the building for a residential purpose would have no greater impact on the Green Belt than the existing residential use on site. The building would be converted as it stands. The size of the residential curtilage is proposed to be increased, with land currently serving the adjacent residential property Greenlands Farm, being incorporated into the

curtilage of the existing building. Since this land is already in residential use there would be no additional impact on the Green Belt.

- 33 For the reasons above I would conclude that the proposal comprises appropriate development in the Green Belt that would preserve the open character and the visual amenities of the area. The proposal therefore complies with the NPPF, policy GB7 of the ADMP and policy GB3A of the Local Plan.

Impact on the landscape character of the AONB –

- 34 Paragraph 11 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 35 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. I therefore consider that this policy is broadly consistent with the NPPF.
- 36 The existing building continues to lie within close proximity to the main house and the detached ancillary outbuilding located to the rear of the main house. The external alterations to the building would be minimal and any introduction of paraphernalia associated with the proposed residential use would be viewed within the backdrop of the existing residential use of the main house.
- 37 The proposal would therefore conserve the distinctive character and the landscape setting of the AONB in accordance with the NPPF and policy LO8 of the Core Strategy.

Impact on residential amenity and the amenity of future occupiers –

- 38 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.
- 39 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 40 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 41 The site lies sufficient distance away from neighbouring properties not to have a detrimental harm on neighbouring amenities. Indeed, according to information currently held by the Council, the existing building currently lies about 50m away from the nearest neighbouring property.
- 42 On this basis I believe that the proposal would therefore preserve the residential amenities currently enjoyed by the occupiers of neighbouring properties and the amenities of future occupants of the dwelling.

Other Issues

Parking provision and highways safety –

- 43 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.
- 44 The development would continue to provide access to the site from the existing access to the property, which is wholly acceptable, and would provide parking in line with current standards. The proposal is therefore in accordance with policy EN1 of the Local Plan.

Impact on biodiversity –

- 45 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 46 No objection has been raised by Natural England or the KCC Biodiversity Officer. I would therefore conclude that the development would conserve biodiversity in accordance with the NPPF.
- 47 A condition has been recommended in regard to lighting following the advice laid out by KCC Biodiversity Officer

Future development –

- 48 It is possible for the Council to remove permitted development rights for the building. This would put a control on development within the application site. As with all proposed development, outside of the application site it would be necessary to firstly establish whether planning permission is required and if it is whether it comprises appropriate development in the Green Belt.

The need for the development –

- 49 It is not up to the Council to decide what is and is not necessary in terms of development that is proposed. Instead, as the Local Planning Authority the Council is required to determine whether any proposed development complies with the relevant criteria.

Setting of a precedent –

- 50 I do not believe that the circumstances which relate to this site and this application would lead to any sort of precedent being set within the area or indeed within the district as a whole. If indeed the conversion of an existing building within the Green Belt is considered to be appropriate development it will be on the basis of the circumstances of the application put in front of the Council rather than this application or any other application similar to it.

Sustainable development –

- 51 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.

52 In my opinion, the proposed scheme would accord in full 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.

Community Infrastructure Levy (CIL) –

53 The development does not comprise an increase in built form of the building, with the existing house proposed to be extended into the remaining stable area of the building. Since no building operations are proposed the CIL Regulations would not apply in this instance and so the development is not liable for a payment towards CIL.

Access Issues

54 None relating to this application.

Conclusion

55 I would conclude that the proposal would be appropriate development in the Green Belt, would conserve the distinctive character and the setting of the AONB, and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

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

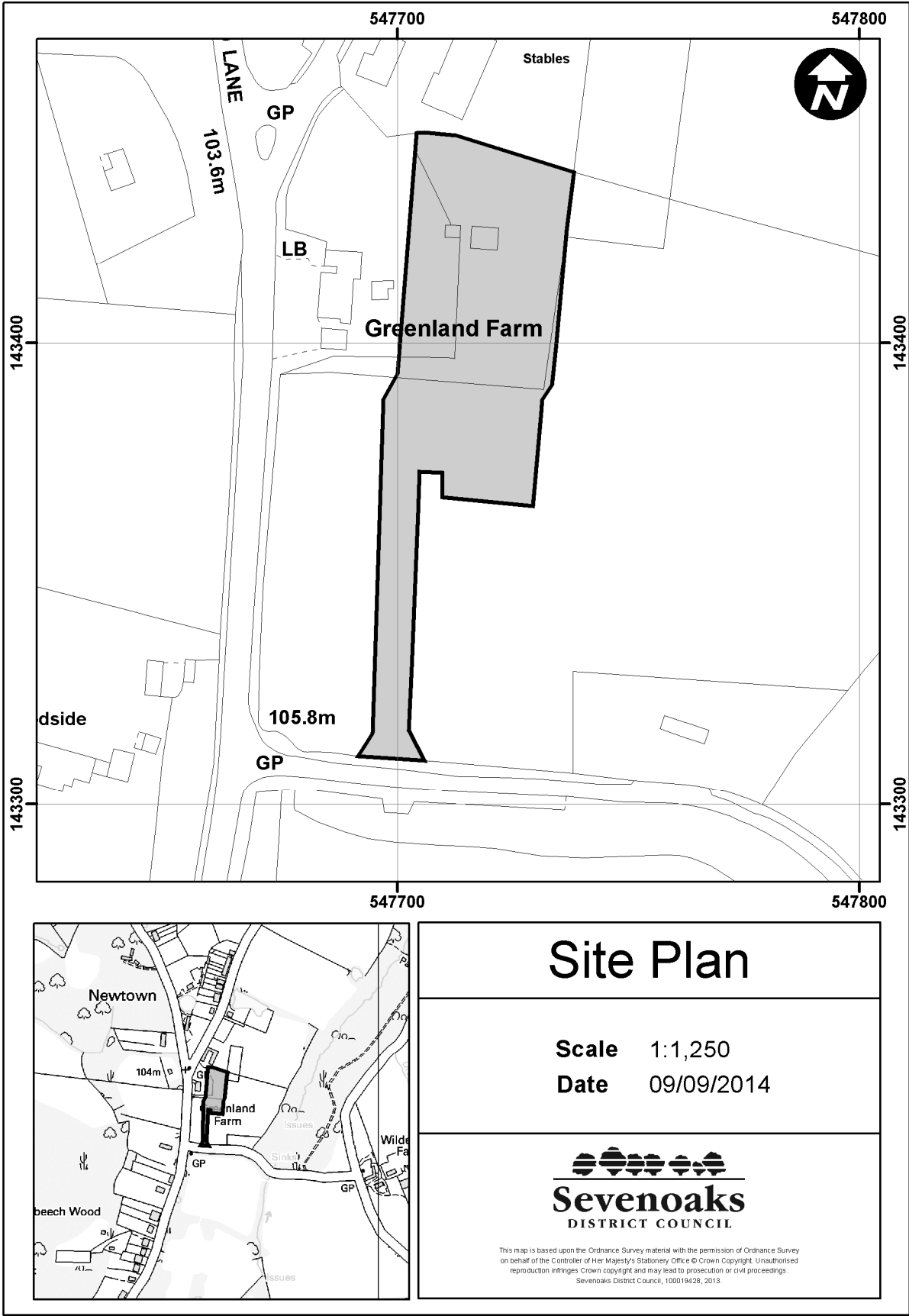
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N501I1BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N501I1BK0L000>



Site Plan

Scale 1:1,250

Date 09/09/2014



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Block Plan

