

4.5 - SE/15/00808/FUL Date expired 20 May 2015

PROPOSAL: Demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling.

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

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillors Lowe and Edwards-Winsor due to concerns about the proposed development being contrary to policy GB7 of the Allocations and Development Management Plan.

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: 4576-PD-20/A; 21, S13/3878/01; 02.

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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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 and EN5 of the Sevenoaks Allocations and Development Management 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-20/A 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 T2 of the Sevenoaks Allocations and Development Management 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To preserve and enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management 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 Allocations and Development Management 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 Allocations and Development Management Plan.

- 8) 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that historic building features are properly examined and recorded in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 9) 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

10) 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, EN5 and GI1 of the Sevenoaks Allocations and Development Management Plan.

11) 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

12) 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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 GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

13) 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 Allocations and Development Management Plan.

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the

Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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 updated on the progress of the planning application.

Description of Proposal

- 1 Demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling.

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

Core Strategy (2011)

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

Allocations and Development Management Plan (2015)

- 7 Policies - EN1, EN2, EN4, EN5, EN6, GB9, T1, T2.

Other

- 8 National Planning Policy Framework
- 9 National Planning Practice Guidance
- 10 Development in the Green Belt SPD

Relevant Planning History

- 11 13/03718/FUL: 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. APPEAL DISMISSED 22.12.2014 (Decision appended at Appendix 1)

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:

- 12 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:

- 13 *'Objection. An appeal was made to an earlier application on the same site. This appeal was dismissed. One of the reasons for dismissal was that the development was an inappropriate development, which could harm the openness of the Green Belt and the character of the area. It is felt that this reason applies to this application.'*

KCC Highways:

- 14 *'No objection.'*

KCC Public Rights of Way Officer:

- 15 (Summary) *'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.'*

KCC Ecology:

- 16 (Summary) *'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. We advise that as bats are present within the building there is a requirement for bat mitigation to be incorporated in to the proposed building, if planning permission is granted, to maintain the favourable conservation status of the bat population. 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, if granted. 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).*

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.'

SDC Tree Officer:

- 17 *'I have no objections to this proposal but suggest that any additional planting is suitably indigenous and that the materials used for the proposed terrace are neutral in colour in order to fit into the wider landscape.'*

Natural England:

- 18 *'Natural England has previously commented on this proposal (SE/13/02972/FUL) and made comments to the authority in our letter dated 22 October 2013.*

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.'

Thames Water: (Summary)

- 19 *'Waste Comments*

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

- 20 *Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'*

Representations

- 21 Neighbour notification letters were sent to occupiers of five properties in the vicinity of the site. A site notice and press notice were also displayed and published. The statutory consultation period ended on 07.02.2015. 4 letters of support received as summarised below:

- Design is attractive and sympathetic;
- Improvement to dilapidated barn;
- Addresses Planning Inspector's concerns.

Chief Planning Officer's Appraisal

- 22 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 AONB;
 - 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;

- Residential amenity;
- Highways;
- Trees and Landscaping;
- Biodiversity and Ecology;
- Archaeology; and
- CIL.

Whether the proposal is inappropriate development:

- 23 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.
- 24 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.”*
- 25 With regards to the first exception, 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. Notwithstanding whether the replacement building would be materially larger than the existing, a residential dwelling would not be the *same use* as a building ancillary to a residential dwelling. Policy GB9 of the ADMP is also relevant here and states that proposals to replace an existing non-residential building in the Green Belt will be permitted where, amongst other things the replacement building would be within the same use as the building to be demolished. The proposals would therefore be contrary to policy GB9 and would not be appropriate development under the first exception.
- 26 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.”

- 27 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. However, in considering the recent planning appeal the Planning Inspector concluded that the agricultural use of the building and its associated land have been abandoned and so the exception to the definition of previously developed land above does not apply and on this basis the proposal is capable of constituting appropriate development, representing the redevelopment of a previously developed site (see para. 7 of Inspector’s decision).
- 28 Although the proposals would be contrary to policy GB9 of the ADMP, the NPPF allows for the redevelopment of previously developed sites where it 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, which will be assessed below.

Impact on openness of the Green Belt

- 29 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 (ground floor), floor area (combined ground and first floors), 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 footprint, depth, width and height of the existing and proposed buildings.

	Existing barn	Proposed dwelling	Difference
Footprint (sqm)	118.23	105.96	-12.27
Depth (north to south) (m)	6.6	6.6	0
Length (east to west) (m)	18	16.5	-1.5
Height to ridge (m)	7	7	0
Height to eaves (north) (m)	3.8	3.7	-0.1
Height to eaves (south) (m)	3.6	3.7	+0.1

- 30 In considering the recent planning appeal the Planning Inspector concluded that the combination of the increased width of the house, particularly at first floor level, increased depth and raised ridge height would result in a materially greater impression of built form on the site than currently exists and would be particularly imposing at the southern elevation and the side elevations where there would be an appreciable reduction in the openness of the Green Belt (see para. 11 of Inspector's decision).
- 31 As revised, the replacement building would occupy a smaller ground floor footprint. It would also have a reduced width. The depth and ridge height of the building would remain unchanged and the proposed form would mirror the simple rectangular form of the existing barn. There would be no increase in bulk, mass or volume and for this reason I consider there would be no reduction in openness.
- 32 The proposed residential curtilage would be wholly taken from the existing residential curtilage of the adjacent Dairy House and 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.
- 33 The proposed replacement building would not have a greater impact on the openness of the Green Belt than the existing building and would in my view constitute appropriate development in the Green Belt. On the basis that there would be no harm to the Green Belt, very special circumstances are not required to justify the development.

Design and impact on the character and appearance of the surrounding area:

- 34 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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. Outside settlements, priority will be given to the protection of the countryside and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 35 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 LO8 of the Core Strategy recognises the importance of the visual quality of the landscape and requires development to respect the countryside by having no detrimental impact upon the landscape character. Policy EN1 of the ADMP state 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. Policy EN5 of the ADMP states that proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

- 36 In considering the previous appeal the Planning Inspector concluded that the design of the building, being of a traditional house, with extensive fenestration and roof lights on the northern elevation and the conventional two-storey design of the southern elevation would change the countryside character and landscape quality of the area (see para. 16 of the Inspector's decision).
- 37 As revised the form and design of the whole building would more closely mirror the simple form and agricultural origins of the existing barn, which comprises a rectangular footprint with lean-to additions. 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 existing concrete blockwork wall to the north elevation is not sympathetic to the buildings setting and the proposals would in my view both conserve and enhance the AONB as required by policy EN5. As now proposed the number of openings and roof lights in the more prominent north elevation has been significantly reduced and full height timber shutters incorporated at front and rear to retain the barn aesthetic. As revised and subject to conditions to require the use of conservation-style roof lights I consider the development would have no 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.
- 38 The locality has a rural character and in my view the proposed dwelling would be sensitive to the context of the other farm buildings nearby and compatible in terms of scale, height, density and site coverage. Subject to appropriate conditions to ensure the use of high quality vernacular materials the proposed development would conserve and enhance the character, appearance and landscape and scenic beauty of this part of the Kent Downs AONB.

Residential amenity:

- 39 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. 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. Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 40 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 window 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.
- 41 The future occupiers of the proposed four-bedroom dwelling would enjoy a satisfactory amenity in accordance with relevant policy.

Highways:

- 42 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. 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.

Trees and landscaping:

- 43 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases. As existing there are a number of trees and mature shrubs on the site; however none are protected and they offer little visual amenity value. It is proposed to retain existing planting on the north boundary (which acts as a screen with the neighbour) and several trees at the rear and side. The proposed development offers the opportunity to implement a comprehensive hard and soft landscaping scheme (including boundary treatment) which would enhance the appearance of the site and it is recommended further details be required by appropriate condition in accordance with the Tree Officer's comments and relevant policy.

Biodiversity and Ecology:

- 44 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. Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 45 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 was previously 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.

Archaeology:

- 46 The site is located within a designated Area of Archaeological Potential. Policy EN4 of the ADMP seeks to ensure the preservation of important archaeological remains. The Kent County Council Archaeology Officer previously 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.

CIL:

- 47 The application is accompanied by a CIL Additional Information Form which identifies that the development would be CIL liable. A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 48 The applicant has submitted a Self Build Exemption Claim Form: Part 1 and has confirmed all the declarations required and would therefore be exempt from CIL.

Conclusion:

- 49 It is considered that the proposed development addresses the objections upheld by the Planning Inspector in consideration of the previous planning appeal, including in terms of the design and massing of the proposed building. Most notably, it is considered that the replacement of the existing residential outbuilding with a new dwelling within an existing residential curtilage would now represent appropriate development in the Green Belt and would not be harmful to openness. The development would be sensitive to the local context and in terms of design and materials would respect the local vernacular. The development would conserve and enhance the scenic beauty of the Kent Downs AONB. Subject to appropriate conditions, the development would not be harmful to the amenities of neighbouring occupiers. Conditions would ensure the development would not have any unacceptable impacts in terms of landscaping, ecology or archaeology.

Recommendation: Grant planning permission subject to conditions and issue CIL exemption

Background Papers

Site and Block plans

Contact Officer(s): Mr M Durling Extension 7448

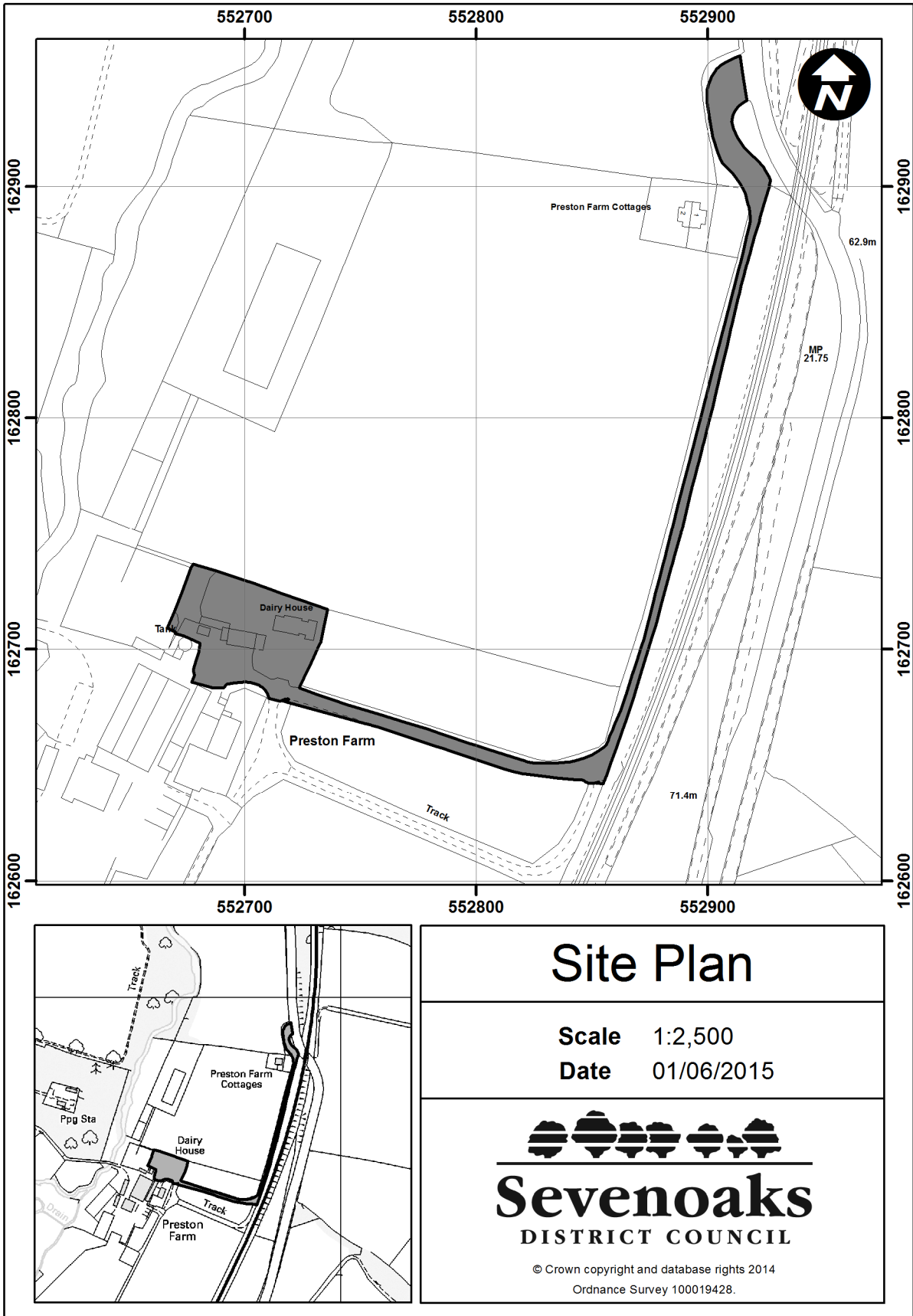
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NLD8R7BKJ1X00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLD8R7BKJ1X00>



Block Plan





Appeal Decision

Site visit made on 18 September 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2014

Appeal Ref: APP/G2245/A/14/2221755

Dairy House, Preston Farm, Shoreham Road, Sevenoaks, Kent, TN14 7UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Montgomerie Knight against the decision of Sevenoaks District Council.
 - The application Ref SE/13/03718/FUL, dated 9 December 2013, was refused by notice dated 29 April 2014.
 - The development proposed is demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - first, whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework;
 - second, the effect of the proposal on the openness of the Green Belt and on the character and appearance of the surrounding area; and
 - third, if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. The appeal site lies within a complex of farm buildings, some of which are evidently not now in agricultural use, set within a valley to the west of Shoreham Road. The appeal concerns a former barn that is sited immediately next to the residential dwelling of Dairy House, and is within the curtilage to that property. The main parties agree that the barn building is in use as an outbuilding in connection with the residential use of Dairy House (confirmed by the issuing of a Lawful Development Certificate ref. 13/00671/LDCEX), and I saw that use at my site visit through an internal inspection.
4. The appeal site lies within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework sets out the circumstances in which the construction of new buildings will not be considered as inappropriate development. Criterion 4 allows for the replacement of a building, provided that

the new building is in the same use and not materially larger than the one it replaces. The proposals would not satisfy this criterion since the existing building on the site is not a residential dwellinghouse: it is a building ancillary to a residential dwelling, ie not an independent dwellinghouse that would fall within Class C3 of the Use Classes Order 1987 (as amended).

5. Criterion 6 of paragraph 89 allows for the partial or complete redevelopment of previously developed sites whether redundant or in continuing use, 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. To interpret this, regard must be paid to the definition of previously developed land as contained in Annex 2 of the Framework, which reads as follows: *'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.'*
6. The main parties differ in their interpretation as to whether this criterion applies. The building that stands on the appeal site was originally an agricultural barn, and on that basis the Council consider the land in question *'has been occupied'* by an agricultural building. But it is evident that the building has had a superseding ancillary residential use for some time, now confirmed by the Lawful Development Certificate. Furthermore, from what I have read and seen, there is no prospect that the building and the land might revert to an agricultural use: it is now within a fully-formed residential curtilage and is in ancillary residential use.
7. Thus, there is a new chapter in the planning history of the building and the appeal site. On this basis, I tend to agree with the appellant's submission that the agricultural use of the building and its associated land have been abandoned, and so the exception to the definition of previously developed land within Annex 2 which relates to land that has been occupied by agricultural buildings does not apply.
8. There is a further exclusion within Annex 2 that I must consider. The building in question is part of a residential curtilage, and Annex 2 excludes *'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'* from the definition of previously developed land. The appeal site is part of a private residential garden, but it does not lie in a built-up area as defined in the Sevenoaks Core Strategy 2011 and Sevenoaks Local Plan 2008. The wording of Annex 2 is not expressed so as to specifically seek to exclude land outside built-up areas as being previously developed land: the wording solely refers to *'land in built-up areas'*. On this basis, I consider the exception to the definition of previously developed land within Annex 2 which relates to private residential gardens in built-up areas does not apply.
9. The redevelopment of the appeal site therefore has the potential to fall within criterion 6 of paragraph 89, in that it represents the redevelopment of a previously developed site. However, that is not the end of the matter in

considering whether such development is not inappropriate. The criterion continues to allow for such development where it 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. This requires an appraisal of the proposed scheme itself.

10. The existing building has a simple form, with gable ends and consistent ridge and eaves heights. The proposed replacement house would see an increase in the ridge over that which currently exists by 0.6m, though with a gabled end to the roof. The eaves on the southern side of the building would be higher by between 1.5m and 2.1m, whilst those on the northern side lower by around 0.7m to 1.3m. The proposed house would have a greater depth than the existing building, with a projecting front bay. Whilst the frontage of the building would reduce from that which currently exists, I note that at present there are two single-storey elements to either side of the building: the proposed dwelling would have a longer frontage than the full-height element of the existing building. Overall, the volume over that which exists on the site would be increased.
11. I acknowledge from the submitted drawings, and as shown in the detail above, that the applicant has sought to minimise the size and massing of the proposed house. However, I consider there would be a materially greater impression of built form on the site than currently exists. This would arise from the width of the house – which is greater at first floor level than the current building – combined with the increased depth of the building and raised ridge height. These elements would lead to a notably larger mass of building at upper levels than can be seen on the site, and would be particularly imposing at the southern elevation and the side elevations, where there would be an appreciable reduction in the openness of the Green Belt.
12. The hipped roof design, lower eaves height on the northern elevation, reduction in building width due to the absence of single storey projections, and the siting of the building would not sufficiently reduce this impact. I therefore concur with the concerns of the Members of the Development Control Committee of 24 April 2014 who refused permission for the proposal, as reported in the Minutes to that Meeting.
13. On the first issue it is therefore concluded that the proposed development would have a greater impact on the openness of the Green Belt than the existing development. The proposal therefore represents inappropriate development. By definition this is harmful to the Green Belt and, in accordance with paragraph 88 of the Framework, I attach substantial weight to this harm.

Openness of Green Belt and character and appearance

14. The width, depth and height of the proposed dwelling would lead to an encroachment of built form, and I saw at my site visit this would be visible in the wider area, including from public footpaths. This would lead to a reduction in openness of the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
15. The proposed development would conflict with this guidance and so further harm would occur, and conflict would arise with Policies LO1 and LO8 of the

Core Strategy and Policy GB9 of the emerging Sevenoaks Development Management Plan Submission Draft (DMP) 2013 which, amongst other matters, only permits new development in Green Belt areas that is compatible with Green Belt policy and would not harm the openness of the Green Belt.

16. The existing building still retains the appearance of its former agricultural use. The design of the proposed building is very much more of a traditional house, with extensive fenestration on the northern elevation at ground level and many roof lights, whilst the southern elevation would appear as a two storey house of fairly conventional, albeit traditional, design. This would change the character of the area from where one can see a remnant of the traditional relationship of a barn situated close to the remaining farmhouse, to the appearance of two houses in the countryside.
17. This would represent a diminishment to the countryside character and landscape quality of the area, which lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). This is a further failing of the proposed development and would be contrary to the objectives of Policies LO1, LO8 and SP1 of the Core Strategy, saved Policies EN1 and EN7 of the Local Plan, and Policy EN1 of the DMP which, amongst other matters, seek to ensure a high standard of design in new development and to protect the landscape quality of the AONBs.

Other considerations

18. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Following the recent Court of Appeal decision in *Redhill Aerodrome Ltd*¹, the previous High Court decision of Patterson J² has been overturned.
19. The appellant and the Council point to the design of the proposed development. This is a matter that I have commented upon earlier and the design would not represent a consideration that is particularly special, nor sufficient to outweigh the identified harm. I also consider the identified harm and conflict with Green Belt policy to outweigh the appellant's intention to provide a dwelling with high sustainability credentials.
20. It has been noted that the existing dwelling of the Dairy House has permitted development rights that would enable the erection of outbuildings within the curtilage, and that a grant of permission for the new dwelling might allow such rights to be removed from the new dwelling and so lead to the appeal site not being subject to future proposals for outbuildings. Any proposals for outbuildings erected under permitted development rights would be subject to the usual criteria that are applicable to the site's location within an AONB and other factors that limit size, siting, etc. Whilst that may allow some new outbuildings, I must balance that theoretical possibility against the specific harm identified in the current proposals. I consider the harm and consequent conflict with the Framework and the development plan to outweigh this consideration.

¹ *Redhill Aerodrome Ltd v SSCLG, Tandridge DC, Reigate and Banstead BC* [2014] EWCA Civ 612.

² *Redhill Aerodrome Ltd v SSCLG, Tandridge DC, Reigate and Banstead BC* [2014] EWHC 2476 (Admin).

21. On the matter of very special circumstances, I conclude that the substantial harm by virtue of being inappropriate development, the harm to the openness of the Green Belt, and the harm to the character of the area lead to clear conflict with the Framework and the development plan and this outweighs all other matters. The appeal therefore fails and planning permission is not granted.

C J Leigh

INSPECTOR