

4.2 - SE/16/02714/FUL Revised expiry date 27 January 2017

PROPOSAL: Change of use from agriculture to class B8 use (storage or distribution) with associated parking. As amplified by additional information received 07.12.16.

LOCATION: Blacklambs Field, Bunkers Hill Road, Ash, Kent

WARD(S): Hartley & Hodsoll Street

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Gaywood to discuss the Green Belt implications and possible overdevelopment within the Green Belt.

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

1) The permission hereby granted shall ensure only for the benefit of Mr L Smith trading as Luxury Lawns and only for such period of time as they may be on the premises. The benefit shall not ensure for the benefit of the land nor any other person.

In order than any other proposal for the use of the building is the subject of a separate application to be determined on its merits, having regard to impact on highway conditions as supported by T1 of the Sevenoaks Allocations and Development Management Plan.

2) The parking spaces shown on the approved 1320/9 shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

3) Other than for the single skip bin for containing rubbish from the use of the site hereby approved, no part of the land shall be used for open storage or for the display of goods and products.

To prevent inappropriate development within the Green Belt and to safeguard the appearance of the area as supported by Government advice in the form of the National Planning Policy Framework and EN1 of the Allocations and Development Management Plan.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no extensions shall be made, nor external alterations carried out to the application building.

To prevent inappropriate development within the Green Belt and to safeguard the appearance of the area as supported by Government advice in the form of the National Planning Policy Framework and policies EN1 and GB7 of the Allocations and Development Management Plan.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no change of use shall be made to the application building.

In order that any other proposals for the use of the building is subject of a separate application to be determined on its merits, having regard to the impact on the Green Belt, the appearance of the area and the highway implications as supported by Government advice in the form of the National Planning Policy Framework, policies SP1 of the Council's Core Strategy and policies EN1 and GB7 of the Allocations and Development Management Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 2103/SK1, SK2, SK3, 1320/9 and 1320/8 received 2.9.2016.

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

Informatives

1) The applicant is advised that 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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

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 of small scale issues which arose during the process of the application and was given time to address it.

Description of Proposal

- 1 Change of use of existing building from a former agricultural barn to a class B8 use (storage or distribution) with associated parking. The barn has a floor area of some 200m². The use has already taken place and thus the application is retrospective. Internally an office, secure store area and a kitchen has been provided. The majority of the front half of the barn is open and at the time of my site visit, open in the centre where 3 small trucks are parked overnight, with stacked storage of materials to the flank walls. The business employs 9 people, whom are claimed to live locally.
- 2 The site is presently occupied by Mr L Smith trading as Luxury Lawns, with the building used for that purpose since May 2016.
- 3 Following the original submission further information has been submitted related to the traffic movements relating to the proposed. This included a detailed traffic count, which was submitted to the Council on 21st December and has been subject to re-consultation with third parties.

Description of Site

- 4 The application site, which is located on the northern side of Bunkers Hill approximately 400m west of its junction with New Street Road, forms part of a larger site comprising a parcel of land with a very large steel portal framed building to the east and a further, small, detached barn of similar construction to the west, which is the subject of this application. There is raised bunding along the northern boundary of the site, beyond which are extensive open fields. On the southern side of the road is Flintstones Farm.
- 5 An access from the road enters the site from the south and extends between the 2 buildings.

- 6 There is a well established hedge along Bunkers Hill frontage that partially screens the site from the road. The application site can be seen from public footpath SD310, located to the north of the site.

Planning History for Application Site:

- 7 03/00485/AGRNOT - Concrete frame storage barn. - No Objection lodged. (This relates to the application building) 31.3.03.

Planning History for Adjacent Buildings at Blacklamb Farm:

- 8 16/00939/FUL: Continued use of former agricultural building for the storage of inflatable marquee type structures and ancillary cleaning and maintenance of the structures. DECISION OUTSTANDING. (Part of barn to east known as Unit 1)

SE/16/01598/PAC: Prior notification for a change of use from Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure. This application is made under Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015. Withdrawn 11.7.16.

SE/13/03069/FUL: Change of use of Unit 1 from agriculture/forestry to use for the storage of inflatable marquee type structures together with ancillary cleaning and maintenance of the structures. Granted 20.12.13. (Part of barn to east known as Unit 1)

13/00206 - Change of use of part of agricultural building to B1 business use (retrospective) - REFUSED (Part of barn to east known as Unit 1)

13/00207 - Change of use of Unit 2 to B8 storage and distribution use for second hand clothing recycling (retrospective) - Allowed at appeal 14th January 2014. (Part of barn to east know as Unit 2) (Attached at Appendix A).

10/00808/LDC - Confirmation that the building marked X on the Site Location Plan is lawful and can remain for agricultural purposes - GRANTED 21.6.10. (Barn to east in its entirety)

09/01946/LDC - The retention of the building stippled grey on the attached plan erected pursuant to Class A of Part 6 of the GPDO 1995 (as amended). - GRANTED 16.11.09. (Barn to east in its entirety)

08/2173/FUL - Erection of a livestock building and an additional storage building and associated hard standing. - REFUSED 21.10.08 (adjacent to both existing barns)

06/02606/FUL - Change of use of an agricultural building to storage of catering equipment. - REFUSED 4.6.07. (Barn to east)

178/200/98/0009 - Prior Notification for an agricultural barn - Prior Approval Granted 21.11.98 (original approval for Building to east).

Constraints

9 Green Belt.

Policies

Allocations and Development Management (ADMP):

10 Policies - EN1, EN2, GB7, T1

Core Strategy (CS):

11 Policies - L08

Other:

12 SDC Green Belt Supplementary Planning Guidance

13 National Planning Policy (NPPF)

Consultations

Highway Authority:

14 Comments were initially received from the Highway Authority on 10th October 2016, as follows:

“I refer to the above planning application and in order that I may fully assess the highway implications I shall require further information in respect of:-

Whilst the Design and Access Statement refers to the number of incoming delivery vehicles (1 26 tonne lorry and 1 van per week), no details are given about outgoing delivery vehicles to customers. In addition, no details were provided of the number of movements by staff independent to delivery lorries. I would like to be provided with full information on a typical daily movement profile.

I shall also be grateful if you will allow an extension of time to the normal consultation period in order that the highway implications of this proposal can be properly assessed. I will let you have my comments as soon as possible.”

15 Following further discussion with the agent and submission of additional information, the following Highway Authority comments were received on 16.11.16:

“Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Further to my previous response dated 10th October 2016 I am now in receipt of further traffic generation details from the applicant's agent. These indicate that on average there are 14 cars and 6 vans, a total of 20

two-way movements per day. In addition there are on average 2 large van and 2 x 26 tonne lorry movements per week.

Since this is a retrospective application and the business is already operating, I am happy that these are representative figures using actual data rather than an estimated generation figure.

Whilst I accept the roads to access the site from the A227 (Chapman's Hill and Bunkers Hill) are generally single track with passing places for most of their length, they are very lightly trafficked and I do not consider that the additional traffic generation from this proposal is likely to have any significant impact on highway safety or congestion.

I therefore do not wish to raise a highway objection to this application.”

16 An informative is also suggested.

Council's Agricultural Advisor:

17 “I refer to your letter of 16 September 2016 concerning the planning application submitted on behalf of Mr L Banks for the change of use of an agricultural building to class B8 use (storage or distribution) with associated parking.

As you will be aware this site has quite a lengthy planning history, with regard to cessation of agricultural uses and introduction of other uses, particularly relating to the building located to the east of the one now proposed for change of use. I understand one part of this eastern building (Unit 2) now has permanent permission for non-agricultural use, following consent granted under SE/13/00207 (on appeal), the other part (Unit 1) has temporary consent, granted under SE/13/00206 (*N.B. this should read SE/13/03069/FUL*), and there is now a proposal to make this permanent under SE/16/00939.

In 2013 I observed that the agricultural storage requirements within the eastern building had fluctuated from one period to the next, according to the scale and nature of the farming activity taking place, and I suggested there may have been concern that a consent for a permanent change of use of the building could lead to another (replacement) farm building or buildings being erected in due course under the "permitted development" procedure, and that changing farming circumstances over time would be giving rise to a proliferation of buildings in the Green Belt. For that reason, I suggested a temporary consent might be appropriate.

However the Council's sole reason given for the temporary consent then granted under SE/13/00206, in the decision notice, was to allow the Council to assess the impact of the use on the surrounding area. This is a matter outside my remit. Then, as indicated above, the other section of the building, Unit 2, was granted a permanent consent for change of use on appeal on 14 January 2014. (Attached as Appendix A).

Given this context , it may be thought that the potential impact of the change of use of the western building leading potentially to another future

agricultural building or buildings, is not likely to be a determining issue, in principle.

Another consideration is that I understand there would have been scope for the change to be proposed under the revised GPDO provisions (Schedule 2, Part 3, Class R), were it not for the fact that the change of use here has already taken place, which therefore rules out the required prior notification procedure.

For the above reasons, I do not consider the current application raises any issues that I can advise upon; however please let me know if any particular assistance is required.”

Gravesham Borough Council:

- 18 “The Borough Council note that our previous comments suggest that such a form of development would be inappropriate and harmful to the Green Belt. It is still considered as such. This is in accordance with the guidance of the NPPF, with the use not being one of the exemptions under paragraph 89.

The Planning Statement (Paragraph 6.9) states that they believe the development to be in accordance with Paragraph 89 of the NPPF, no justification is put forward to support this.

If your Council is minded to grant permission, the Borough Council would want to see any planning permission conditioned to safeguard against future permitted development changes under the current General Permitted Development Order (the GPDO).”

Ash Cum Ridley Parish Council:

- 19 Object.

This site has a history of creeping non-agricultural development, with a cycle of change of use from agricultural to light industrial, followed by a claim for the need for new agricultural buildings. This cycle has impacted both on the openness of the Green Belt and on the volume of traffic in the narrow country lanes serving the site. Indeed, the site did not even exist before the millennium.

This application is therefore quite unlike any of the other changes of use of agricultural buildings in the area, as this is not an old building. The application must therefore be seen in the light of its cumulative effect on the area.

The applicant makes claims about the generation of local employment, the limited number of vehicle movements and the possibility of employees walking to work. However, the number of vehicle movements is un-enforceable and intelligence from local residents shows the claim to be false, both for the number and size of vehicles. Residents are also unaware on any local employees in any of the businesses on the site and certainly not of any pedestrians on the approach roads.

In light of the past record of this site and the lack of demonstration of very special circumstances why this change of use should be permitted in the Green Belt, the Parish Council strongly objects to this retrospective change of use.”

The Ridley Society (In summary):

20 The Ridley Society (In summary)

- The application is yet another step towards the total industrialisation of the site.
- Unacceptable increase in traffic and highway movements (the access and planning statement suggests 7 movements per day).
- The cumulative impact should be considered.
- Employees live outside the immediate locality.

Representations

21 Representations have also been received from 4 local residents raising the following objections:

- Considerable increase in traffic, including lorries, inappropriate in rural lane.
- Access from the A227 via Chapmans Hill has a width and weight restriction which would rule of use of larger (26 tonne) lorries.

ADDITIONAL INFORMATION:

22 Additional information in the form of a detailed traffic survey was submitted on 21st December. This was subject to re-consultation with the Highway Authority and third parties.

Re-consultation

Highway Authority:

23 “Further to my previous response on 16th November 2016, I have now had the chance to study the additional traffic survey information provided by the applicant in the form of the results from Automatic Traffic Counters placed in three locations along Chapmans Hill and Bunkers Hill Road during early November 2016. Whilst there appears to be some concern from local objectors that these figures are incorrect, I have no reason to believe that the figures provided are not accurate since they have been output directly from the counting equipment. What could be questioned is how representative those figures are when they are only a week's time slice but I have no reason to consider that they are not typical.

24 From the figures it is difficult to assess the traffic movements directly associated with the use applied for (which is a retrospective application therefore the figures can be consider to include the "proposed use") since it

is not just a simple matter of subtracting the counts taken at sites 2 and 3 since firstly they will include other uses on the site / adjacent properties; and secondly it doesn't take into account vehicles that turn into the site from, say, the westbound direction and others that may exit from the site to turn West into Bunkers Hill. The conclusions therefore made in the applicant's agent's letter dated 21st November may not be entirely accurate. It is unfortunate that when arranging the surveys a turning count was not undertaken of vehicles entering / leaving the site and which buildings they were originating from. It is unclear if the traffic generation figures proved by the applicant headed "Table 2013" are actual measured figures or estimates of likely use. However they do seem to tie in to some extent with the survey figures provided.

- 25 After looking at the traffic movement data provided, I must conclude that the number of movements directly associated with the application site itself are very low compared with the total number of traffic movements that exist along Bunkers Hill and Chapmans Hill. This shows a total of 20 car / van movements per day (which over a 12 hour day represents under 2 per hour) and 4 HGV movements per week (less than 1 per day). The total two-way weekday movements measured in the surveys average 557, 331 and 297 vehicles at Sites 1, 2 and 3 respectively. The percentage of HGVs in those numbers vary from 3 to 23% but the differences on HGVs between Sites 2 and 3 tend to indicate that these HGV movements are not associated with the application site. I can only assume that the numbers shown in the survey are movements to other properties or possibly through traffic.
- 26 In conclusion, unless accurate figures are submitted for the actual movements associated with the application site are forthcoming, I still consider that whilst there are local concerns about traffic movements along these narrow lanes (particularly HGVs), the number of movements directly associated with the development site are not significant enough to refuse the application on either highway safety grounds or congestion, neither of which can be considered "severe" in NPPF terms.
- 27 I do not consider that a further survey as requested by the objectors is likely to be of any benefit since, unless the numbers generated by the site are shown to increase significantly the impact will remain small. The vast majority of traffic using the lanes is not associated with the application proposal and therefore not directly relevant to considering the impact of this proposal."
- 28 An informative is also requested.

Ash cum Ridley Parish Council

29 Object:

The Parish Council have examined the traffic survey submitted and have the following comments.

- There is a significant difference between the traffic movements in Chapmans Hill recorded by this survey. (approximately 480 daily during the working week between 7am and 7pm) and that carried out

by the residents (approximately 650 between 7am and 5pm). The residents have therefore requested that Sevenoaks District Council carry out an independent survey.

- The Graham Simpkin survey records no information on vehicle size or weight. Vehicle size is a major cause of complaints by residents in both Chapmans Hill and Bunkers Hill and is a major cause of damage to the roads and verges. Specifically, the continuing erosion of the road verges by passing vehicles and wide vehicles has caused the blockage of the road drainage scheme, paid for by Kent County Council, in Bunkers Hill and is destabilising all the roadside hedges because of root damage. Reference to previous agricultural traffic is spurious because such vehicles are fitted with tyres to minimise land damage.
- The survey is “blind” to site traffic which leaves and returns from different directions.
- The recorded figures display a peculiar anomaly. At the end of the working week nearly 15% more vehicles have left the two sites than have entered them. Although a daily imbalance might be expected because of overnight parking, this effect should cancel out over a period of a week.

Representations:

30 Four further letters of correspondence have been received, raising the following objections:

- Big discrepancy with traffic survey results and resident’s survey and therefore the Council should undertake its own impartial survey.
- Enormous increase in traffic using Chapman’s Hill over the years.
- Vehicles use resident’s driveway to allow large vehicles to pass in the opposite direction and damaged boundaries.
- Size of lorries exceed weight and size limits.

Chief Planning Officer’s Appraisal

Principle issues

- Change of use of building within the Green Belt
- Highway implications.

Presumption in favour of sustainable development:

31 Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the

development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

- 32 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Impact on Green Belt:

- 33 Current Government advice, in the form of the **National Planning Policy Framework**, supports the protection of the Green Belts and seeks to restrict development.

- 34 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.

- 35 The advice explains that inappropriate development is, by definition, harmful to the Green Belt. Very Special Circumstances to justify inappropriate development will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 36 Paragraph 79 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

- 37 Paragraph 90 states that certain form of development are not inappropriate, including “the re-use of buildings provided that the buildings are of permanent and substantial construction.”

- 38 At local level policy GB7 of the ADMP is particularly relevant to these proposals. The policy states as follows:

“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.

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.

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.”

- 39 With regard to criteria a) of policy GB7, the use would be contained within the building, with limited parking and a single skip bin outside. The site would essentially remain open. I therefore consider the use of the building, along with the associated use of land surrounding it would not have a materially greater impact than the former use on the openness of the Green Belt or harm the character of the area. Conditions could be attached to prevent extensions and removal of other clutter within the curtilage (red site line).
- 40 With regard to criteria b), having visited the barn I note it has a concrete floor and is a modern building in very good condition and certainly structurally sound. It does not appear to have been modified for the use which has already commenced. I therefore consider the proposals meet the requirements of criteria b).
- 41 I would also note that there is a requirement within policy GB7 for the applicant to demonstrate that the building is no longer required for agricultural use where constructed within the last 10 years. The existing building was erected pursuant to an Agricultural Notification in 2003. I would note that the original drawings did not include the flat roof element that now exists, although I note this appears in situ on drawings relating to an application on the adjacent site in 2008 and this is now lawful through the passage of time. From the appearance of this small single storey element, it would appear that it may have been erected at the same time as the rest of the barn, which was clearly erected more than 10 years ago. Indeed there is no record of an agricultural building being erected in connection with the farm since this 2003 notification.
- 42 The applicant has also stated that there is no need for agricultural storage within this building since the previous changes to the operation of the farm. There are some items of agricultural equipment stored outside the building but it is claimed that “these are surplus to requirements and are to be sent to an agricultural sale early next year”.
- 43 Though I do not consider this a particularly persuasive case, the policy test set out above is that the applicant need only demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose where that building has been constructed within the last 10 years. This building was constructed more than 10 years ago.
- 44 I am also mindful that there are a number of other buildings which have already been converted to other uses, including that to the east (in part). Indeed part of the larger barn to the east was granted permission for a Class B8 use by an appeal decision dating to January 2014.

- 45 In this decision the Inspector considered that notwithstanding local plan policy, the building was sound and that subject to conditions to control extensions to the building or external storage, the openness of the Green Belt and the purposes of including the land within it would not be compromised.
- 46 I consider the present proposals to be directly comparable.
- 47 In light of the above, it is my conclusion that the change of use is not inappropriate in the Green Belt for the purposes of national or Development Plan policy and would comply with policy GB7 and the NPPF.

Impact on character of area:

- 48 Policy L01 seeks to focus development within the built confines of existing settlements and lists the main urban areas. Core strategy L08 states that the extent of the Green Belt will be maintained and 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.
- 49 Having visited the site, it is my conclusion that the use is a low key one which is very largely contained within the building. In my view the small scale activities taking place within the building do not have an effect on the character and appearance of the area. The equipment/storage required in connection with the use are limited and contained within the building, together with space for the company vehicles to be kept overnight - the intention being that the vehicles are out on site during the daytime. Six external car parking spaces are indicated to the south of the building. However, these spaces are well screened by the hedges and fencing. The allocation of land for parking in connection with the site can be subject to condition.
- 50 The present use is a low key one and the applicant advises that it is not the intention that clients visit the site. I consider that the size of the unit would restrict the scale of the business, in my view. For this reason, I consider it would be reasonable to impose a condition removing permitted development rights to alter and extend the building.
- 51 In light of the above, I consider the retention of the existing use would support the maintenance and diversification of the rural economy, including for small-scale business development.

Highway implications:

- 52 Policy T1 of the ADMP seeks to mitigate travel impact. New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety. Policy T2 requires provision of vehicles parking.
- 53 There was originally some confusion over the applicants traffic movements, further information was submitted, which has been subject to consideration by Highway Authority.

- 54 This information clarified the traffic movements related to the use, which is now in situ. This indicates that on average there are 14 cars and 6 vans, a total of 20 two-way movements per day. In addition there are on average 2 large van and 2 x 26 tonne lorry movements per week.
- 55 It appears that the level of vehicles movements associated with the use is relatively limited and that on this basis the Highway Authority has concluded that the additional traffic generation from this use would not have a significant impact on highway safety or congestion.
- 56 Notwithstanding this conclusion, the applicant chose to submit a detailed 7-day traffic count throughout the week beginning 1st November. These have been subject to consultation with third parties, who have raised objections regarding the accuracy of the traffic counts and the inadequacy of the local roads to cater for heavy vehicles.
- 57 The Highway Authority have considered the additional information and accept that it is difficult to assess the traffic movements directly associated with the use applied for. However, they conclude that the movements directly associated with the application site are very low compared with the total number of movements along Bunkers Hill and Chapmans Hill. Furthermore, the evidence indicates that the HGV movements are not associated directly with the application site. Most importantly, it is concluded that “whilst there are local concerns about traffic movements along these narrow lanes (particularly HGV’s), the number of movements directly associated with the development site are not significant enough to refuse the application on either highway safety grounds or congestion, neither of which can be considered as “severe” in NPPF terms.
- 58 In my view the key conclusion is that whilst there may be a large amount of traffic movements in the vicinity of the site, including heavy goods vehicles, the application proposals themselves would have only a very limited impact on this. Whilst the proposed use clearly contributes to traffic movements, because the impact would be so limited a refusal on highway grounds would not be sustainable, particularly because it can only take into account the impact of this proposal.
- 59 The Highway Authority, would support a condition requiring a personal permission. This would be justified in the circumstances due to the individual characteristics of this proposal so that the highway implications of any other use of the site can be considered in detail, as traffic generation could vary considerably depending on the precise use, even when in the same use class.
- 60 I therefore consider the proposals policy compliant in this regard.

Other matters:

- 61 There are no residential properties close-by to be directly impacted by the use itself. The land immediately surrounding the building is hardsurfaced and as the building is in good condition with no physical alterations required to enable re-use, I do not consider the proposals would impact the ecology of the site, particularly bats.

- 62 Both Gravesham Borough Council and The Parish Council have raised objections on the grounds that the proposals represent inappropriate development within the Green Belt and that no very special circumstances have been advanced to justify the change of use of the building. Consideration of the Green Belt implications is addressed in detail above. I am satisfied that the proposals comply with both national and local policy as a re-use of a building.
- 63 The Parish have also raised a number of other issues. Whilst I note their comments questioning whether or not employees of the site are local, there is no planning policy which requires them to be so. With regard to the cumulative impact of the proposals, the most obvious implication is the impact on vehicle movements. However, it is clear that whilst the proposals would clearly cumulatively add to the amount of traffic on the adjacent highway, the Highway Authority consider the highway movements associated with the application to be very modest compared to the existing traffic movements. Consequently, the harm associated with this application is not considered to justify refusal of the application. However, it is acknowledged that a different use could have a significantly different impact and for that reason it is proposed to attach a condition to restrict the use to be personal to the applicant only.
- 64 Third parties have also queried the date of erection of the last new agricultural building at Blacklambs Field/Flintstones Farm. However, evidence presented appears to concur with the planning history above including the date of the most recent barn to which this application relates, which was erected following the agricultural notification in 2003.

Conclusion

- 65 As currently operating, I am satisfied that the use of the building does not have a greater impact on the openness of the Green Belt than the former use nor would it harm the existing character of the area. The building is structurally sound and capable of re-use without alteration.
- 66 I would also note the comments from the Inspector dealing with the adjacent site, in which he concluded that use of the existing (adjacent) building for small-scale business accords with the policies of the Framework, specifically those relating to sustainable development (paragraphs 7 and 14) and the support the Framework gives to economic growth in rural areas, including through conversion of existing buildings in rural areas (paragraph 28).
- 67 Details of the highway movements associated with the use are considered to provide an accurate representation. It is clear from the Highway Authority comments that the impact on the highway network would be relatively modest and is considered acceptable. However, as this assessment has been made on the basis of the particular operational requirements of the existing business, an unrestricted B8 Use (storage & distribution) could, in my view, have markedly different highway implications from the relatively low key use now taking place. For this reason, I consider a condition to limit the

permission to the current occupier would be reasonable and appropriate, so that an application for any other use could be assessed on its own merits with regard to the particular highway implications.

Background Papers

Site and Block Plan

Contact Officer(s): Mr J Sperryn Extension: 7179

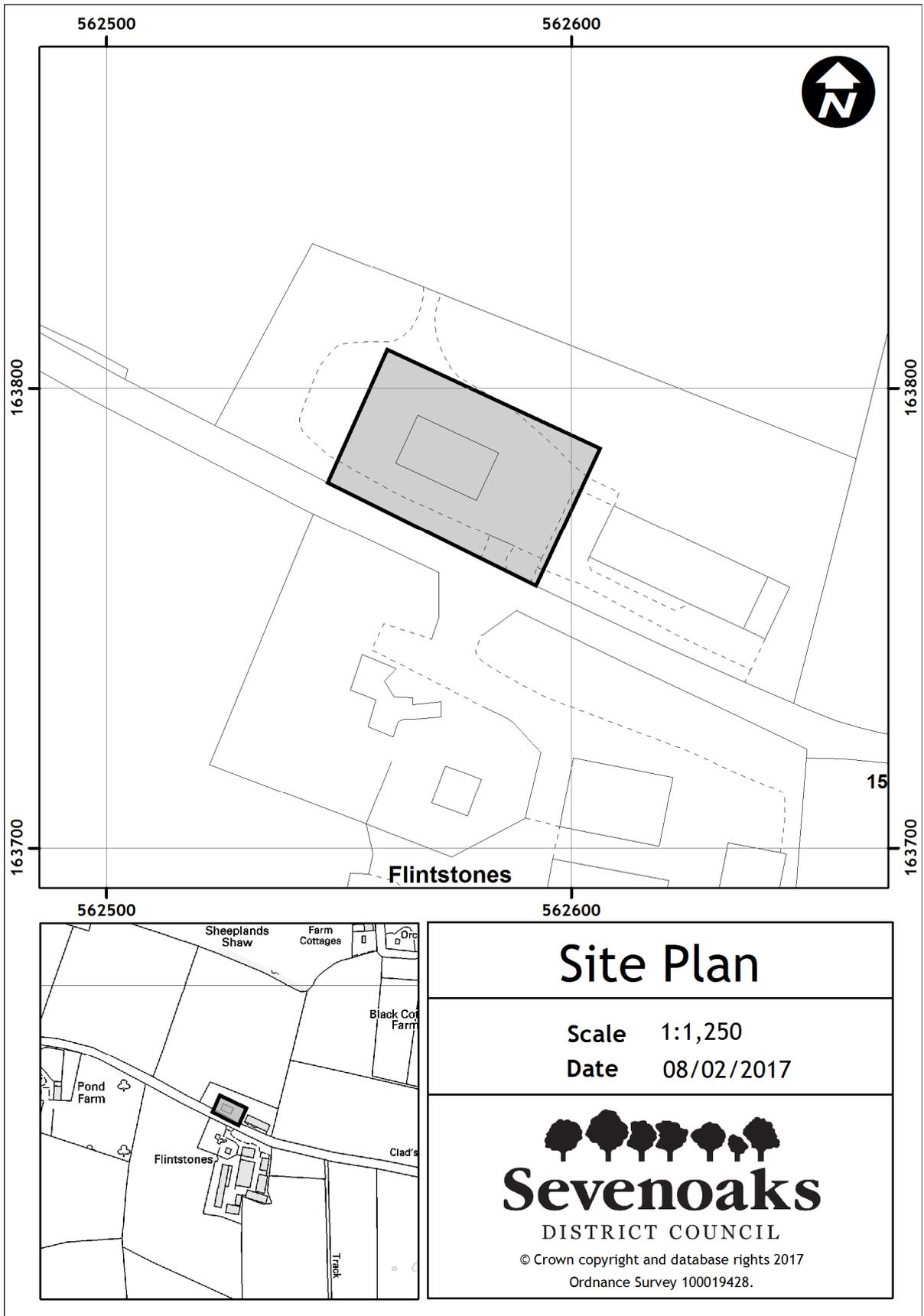
Richard Morris
Chief Planning Officer

Link to application details:

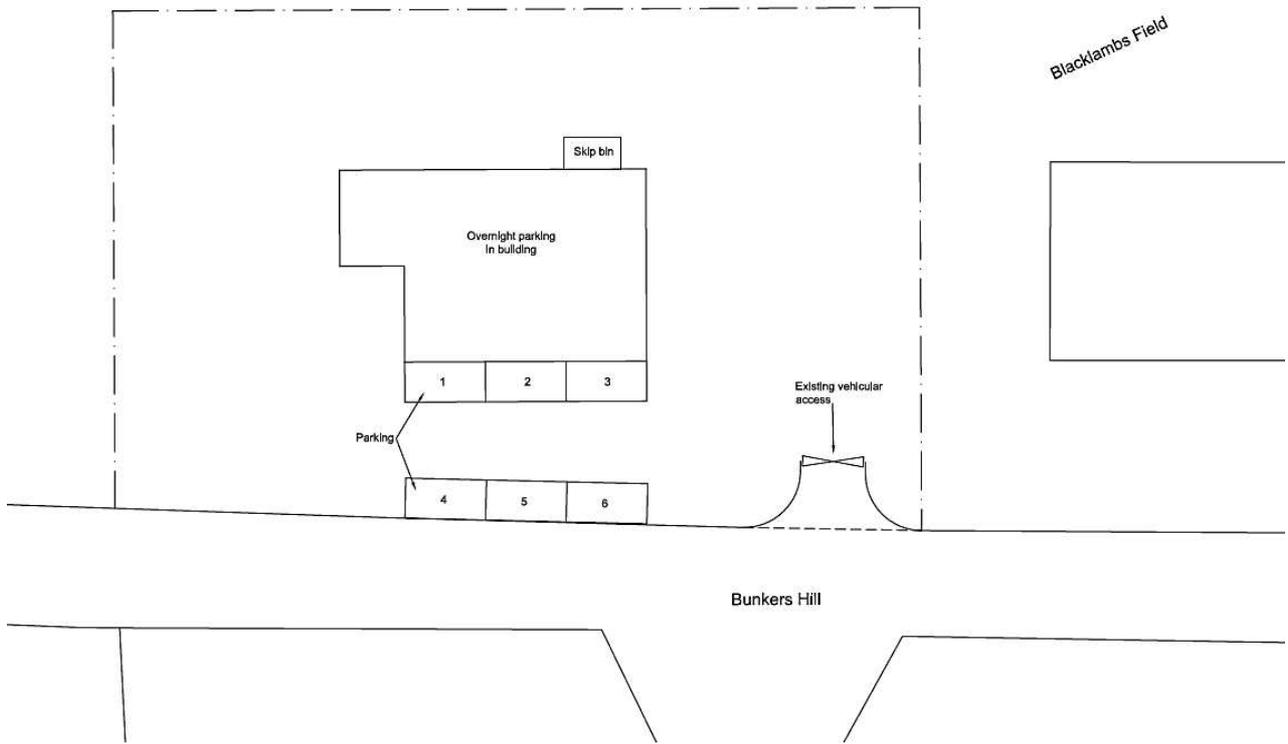
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCVWJ6BKRV00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCVWJ6BKRV00>



Block Plan



Appeal Decision

Site visit made on 23 October 2013

by **R J Maile BSc FRICS**

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

Decision date: 14 January 2014

Appeal Ref: APP/G2245/A/13/2196697

Unit 2 Blacklambs Field, Bunkers Hill Road, Ash, Sevenoaks, Kent, TN15 7EY.

- 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 D Ionescu against the decision of Sevenoaks District Council.
 - The application ref: SE/13/00207/FUL, dated 21 January 2013, was refused by notice dated 3 April 2013.
 - The development is described on the application form as: "Storage and distribution of second hand clothing for recycling."
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Procedural Matters

1. The description of the development would more accurately be described as follows:

'Material change of use of building from agricultural to the storage and distribution of second hand clothing [Class B8].'
2. I have therefore adopted this amended description in my decision below.
3. The use for which planning permission is sought was ongoing at the time of my site visit and, on the evidence of the appellant, commenced in August 2011.

Decision

4. The appeal is allowed and planning permission is granted for material change of use of building from agricultural to the storage and distribution of second hand clothing (Class B8) at Unit 2 Blacklambs Field, Bunkers Hill Road, Ash, Sevenoaks, Kent, TN15 7EY, in accordance with the terms of the application ref: SE/13/00207/FUL, dated 21 January 2013, and the plans submitted with it, subject to the conditions set out in Annex A to this decision.

Main Issues

5. The appeal site is within the Metropolitan Green Belt. The main issues are therefore:
 - a) Whether the change of use is inappropriate development for the purposes of National policy and the policies of the Development Plan.
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- b) The implications of the change of use for the character and appearance of the surrounding area.

Reasons

6. Unit 2 Blacklambs Field is part of a portal framed building that has been divided into three separate units. Unit 1 (at the western end) is currently unoccupied, while Unit 3 is in use as an agricultural machinery store in connection with the farm activities.
7. There is a further building, served from the same access point, to the north of Bunkers Hill Road. This was locked at the time of my site visit, but I understand that it is used for purposes connected with forestry. Unit 1 is also in such use, but on a temporary basis, as is the open area between the two structures.
8. To the south of Bunkers Hill Road and within the same ownership is Flintstones Farm, which includes a complex of farm buildings and a new farmhouse that is in course of construction. Two of the buildings at the farm have been converted to business use – one for the storage of files and the other for the storage of catering equipment.
9. The total holding comprises some 55 ha of agricultural land, with the farm being approached via approximately 900m of narrow, mainly single track road from the A227 at Culverston Green.
10. A Lawful Development Certificate for the use of Unit 2 for agricultural purposes was granted by the Council in 2010. From the evidence before me, I find no reason to suspect that the lawful use of the building has since changed. Moreover, whilst I note the Council's contention that the building is vulnerable to demolition by reason of condition A.2(5) of Class A of Part 6 of Schedule 2 to the GPDO¹, I am mindful that the building of which Unit 2 forms part remains partly in use for agricultural purposes (in Unit 3).
11. This being so, I am not persuaded that condition A.2(5) has effect in relation to any part of the building at the present time, irrespective of the use history of Unit 2. I am aware of nothing to the effect that Parliament intended this condition to secure the partial demolition of buildings, with the adverse visual consequences that such action might entail. I therefore accept that for the purposes of my decision the appellant's lawful fall-back position includes the retention of Unit 2 for the time being in agricultural use, or as vacant premises.
12. I now turn to consider the main issues.
 - a) *Whether inappropriate development.*
13. National policy in the National Planning Policy Framework ('the Framework') contains a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 87). Paragraph 90 of the Framework states that the re-use of buildings that are of permanent and substantial construction would not represent inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

¹ GPDO: *The Town and Country Planning Act (General Permitted Development) Order 1995.*

14. "Saved" Policy GB3A of the Local Plan² states that the Local Planning Authority will permit the re-use of buildings within the Green Belt subject to three criteria set out in the policy. These include a requirement that 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.
15. "Saved" Policy GB3B states that when considering proposals for the re-use of agricultural buildings for non-agricultural purposes the Local Planning Authority will apply Policy GB3A, taking into account two further criteria. However, I find neither to be of particular relevance to my decision given that, as criterion 2 of GB3B indicates, the erection of further buildings by reason of permitted development rights could be precluded by condition.
16. The building is of permanent and substantial construction and the specific use currently being undertaken within Unit 2 is low key. Therefore, subject to the imposition of conditions preventing any extensions to the building or external storage, the openness of the Green Belt and the purposes of including land within it would not be compromised.
17. I therefore find on the first main issue that the change of use is not inappropriate development for the purposes of National and Development Plan policy.

b) Impact upon character and appearance.

18. The small-scale activities currently taking place at Unit 2 do not have an effect upon the character and appearance of the area. The storage of recycled clothes is wholly contained within the existing building, where there is also space for a van to be parked. The two external parking spaces associated with the use are well screened by hedges and fencing and I have included a condition to restrict parking elsewhere within the site.
19. The present use is low key and the size of the unit will restrict the scale of the business. For these reasons, development would accord with Policies L01 and L08 of the Core Strategy³. This supports the maintenance and diversification of the rural economy, including for small-scale business development, provided that it is compatible with policies for protecting the Green Belt and the landscape character of the area.

Other Matters

20. The Council raises concerns about the displacement of agricultural machinery, which in places is stored in the open. However, Unit 1 remains available for such purposes should the need arise.
21. "Saved" Local Plan Policy EN1 6) and 10) seek to ensure that development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce, where possible, the need to travel.
22. I acknowledge that the road connecting the site with the A227 is narrow, being single track for some of its length. It is nevertheless lightly trafficked and, given the nature of the business and the size of the premises, is acceptable for the particular use currently being undertaken at the site.

² The Sevenoaks District Local Plan Compendium of Saved Policies (July 2008).

³ The Local Development Framework Core Strategy February 2001.

23. Use of the existing building for small-scale business accords with the policies of the Framework, specifically those relating to sustainable development (paragraphs 7 and 14) and the support the Framework gives to economic growth in rural areas, including through the conversion of existing buildings in rural areas (paragraph 28).

Conditions

24. The Council has put forward a total of three conditions should I be minded to allow the appeal, which I have considered against the tests of Circular 11/95⁴.
25. I consider suggested Conditions 1 and 2 to be unnecessary given that a change of use to Class B1 and/or the addition of a mezzanine floor would not, of themselves, lead to inappropriate development in the future.
26. I have, however, found it necessary to impose conditions in order to prevent any extensions or alterations to the exterior of Unit 2 (Condition 1), to prohibit external storage (Condition 2) and to restrict the amount of parking associated with the permitted use (Condition 3). All three conditions are necessary given the sensitive location of the appeal site within the Green Belt.

Conclusion

27. I have sought to balance the limited environmental harm arising from the extra traffic on the rural roads against the environmental and economic benefits of recycling used clothing and of business activity in the rural areas and find, in the circumstances of this particular case, in favour of allowing the appeal.

R. J. Maile

INSPECTOR

⁴ Circular 11/95: The Use of Conditions in Planning Permissions.

Schedule of Conditions

Annex A

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no extensions shall be made, nor external alterations carried out to Unit 2 Blacklams Field.
- 2) No external storage in connection with the permitted use of Unit 2 Blacklams Field shall take place at any time.
- 3) Only spaces 1 and 2 as shown on drawing no. 2103/6, together with the van space within the building shown on drawing no. 2103/7, shall be used in connection with the permitted use of Unit 2 Blacklams Field.