

4.1 19/00946/FUL

Date expired 7 June 2019

Proposal: Demolition of existing buildings and structures. Erection of a detached single storey dwelling. Improvements to access.

Location: Hurstgrove, Castle Hill, Hartley, Kent DA3 7BQ

Ward(s): Fawkham & West Kingsdown

Item for decision

This application has been referred to the Development Control Committee by Councillor Parkin on the grounds that she is of the view that the proposal represents appropriate development in the Green Belt.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the special circumstances relevant in this case are sufficient to justify overriding the National Planning Policy Framework and policy L01 of the Sevenoaks Core Strategy.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Should this decision be appealed and the appeal is allowed full details will be set out in the CIL Liability Notice which will be issued as soon as possible after the appeal decision is issued. Further information can be found here:

<http://www.sevenoaks.gov.uk/services/housing/planning/planning-applications/community-infrastructure-levy-cil>

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of proposal

- 1 The application seeks the approval of the demolition of the existing buildings and structures that are situated on the site and the erection of a new detached bungalow.
- 2 The existing outbuildings and structures comprise an office and store, a utility shed, a large low-level tank and a large pond. The applicant states that the historic use of the site was for the breeding of ornamental fish.
- 3 On site the office and store has the appearance of a garage, the utility shed is an open sided structure of little bulk, mass and form, and the filtration plant shown on the submitted plans does not appear to exist.
- 4 The proposed bungalow would be sited directly to the rear of Hurstgrove and Melbury, the adjoining property to the east of Hurstgrove. It would have an L-shaped footprint with maximum dimensions of approximately 15m by 12m. The bungalow would have an eaves height of 2.7m and a maximum ridge height of 5.6m.
- 5 The bungalow would have a traditional appearance in terms of its design, with a pitched roof and hip ends, and would be finished in facing brickwork and plain roof tiles.
- 6 The site would continue to be accessed via the existing driveway that serves the site and runs between Hurstgrove and Rosemont the adjoining property to the west. The access would be improved at the entrance to the site so that it became separate to the access to Hurstgrove and is indicated as being used as a passing place for the lane.

Description of site

- 7 The application site comprises a triangular piece of land to the rear of a number of properties on Castle Hill. A public footpath lines the western boundary of the site.
- 8 As noted above, the site is occupied by a number of single storey buildings and low-level structures. The levels of the site rise gently along the access driveway through to the southern corner of the site.

Constraints

- 9 The site lies within the Metropolitan Green Belt and a Source Protection Zone, and as noted above a public footpath lines the western boundary of the site. An Area of Archaeological Potential is located just to the north of the site.

Policies

- 10 Core Strategy (CS)
 - LO1 Distribution of Development
 - LO8 The Countryside and the Rural Economy
 - SP1 Design of New Development and Conservation

- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity
-

11 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

12 Other

- National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- Development in the Green Belt Supplementary Planning Document (SPD)

Planning history

- 13 19/00130/FUL Demolition of existing buildings and structures. Erection of a detached single storey dwelling. Alterations to access - Withdrawn.

This application was very similar to the current application, the main difference being the siting of the new bungalow within the plot. As part of this previous application, it was shown to be located closer to the end of the access drive. The application was withdrawn following the case officer informing the applicant that the application was likely to be refused.

Consultations

Fawkham Parish Council - 21.04.19

- 14 “Further comments: Members would expect SDC decision to reflect all current planning policies and adhere to the existing policies in this Green Belt location.

Members would not be in favour of the alterations to the frontage of the property and any loss of vegetation would create urbanisation effect and proximity to Baldwin’s Green Conservation Area. It is also concerned that the development may cause an increase in cars turning in and out onto a narrow road.”

County Biodiversity Officer - 09.05.19

- 15 No objection.

Arboricultural & Landscape Officer - 18.04.19

- 16 No objection.

County Public Rights of Way Officer - 24.04.19

- 17 No objection subject to boundary treatment to western boundary with the adjacent public footpath.

Environment Agency - 03.05.19

- 18 No objection subject to the inclusion of a number of conditions on any planning approval.

County Archaeological Officer - 28.05.19

- 19 No objection subject to the inclusion of a condition on any planning approval.

Thames Water - 23.04.19

- 20 No objection in terms of the drainage of waste.

Representations

- 21 We received eleven letters of support and one letter of objection relating to the following issues:

- Impact on the Green Belt
- Impact on highways safety
- Impact on residential amenity

Chief Planning Officer's appraisal

Principal issues

- 22 The main planning considerations are:
- Impact on the Metropolitan Green Belt
 - Impact on the character and appearance of the area
 - Impact on residential amenity
 - Impact on highways safety and parking provision
 - Impact on biodiversity
 - Impact on the public right of way
 - Impact on the Source Protection Zone and
 - The Community Infrastructure Levy (CIL).

Impact on the Metropolitan Green Belt

- 23 As set out in paragraph 133 of the NPPF, the Government attaches great importance to Green Belts. 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.
- 24 Paragraph 134 of the NPPF sets out the five purposes that the Green Belt serves. These include assisting in safeguarding the countryside from encroachment.
- 25 Paragraph 145 of the NPPF states that new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as limited infilling in villages and the complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
- 26 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 27 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 28 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 29 The NPPF does not provide a definition of 'limited infill'. However, our Development in the Green Belt SPD provides more information on our interpretation of the term. This states that we define limited infill development as the completion of an otherwise substantially built up

frontage by the filling of a narrow gap normally capable of taking one or two dwellings only. A substantially built up frontage is defined as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.

- 30 The SPD goes on to explain that for settlements where a Green Belt boundary has been defined, which includes Hartley, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to more loose-knit development. Where this is the case, infill development beyond a defined settlement boundary would compromise the purposes of the Green Belt and would constitute inappropriate development.
- 31 Inspectors have supported these definitions, and our approach to the assessment of limited infill.
- 32 Policy LO1 of the Core Strategy states that development will only take place where it is compatible with policies for protecting the Green Belt.
- 33 In this instance, the proposal comprises the development of a piece of land to the rear of the ribbon of development that lines this side of the lane. This is not, therefore, the completion of an otherwise substantially built up frontage.
- 34 The applicant links the site to the village of Fawkham. I would acknowledge that the site lies within the Parish of Fawkham. However, due to its location, approximately 350m west of the Green Belt boundary surrounding Hartley, I would assess the proposal on its association with Hartley instead of Fawkham.
- 35 The Green Belt boundary of Hartley clearly marks a break in development and a change in character to more loose-knit development. As noted above, from the Green Belt boundary development only lines the southern side of Castle Hill, whilst the northern side of the lane is mainly made up of open fields and small wooded areas.
- 36 Therefore, the proposal cannot be considered limited infilling in a village.
- 37 Turning to the second element of the NPPF that the applicant believes confirms that the development is appropriate in the Green Belt, I would accept that the site falls within the definition of previously developed land held in the NPPF.
- 38 The definition of previously development land is given as being -
- “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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as 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.”

- 39 The site falls within this definition since it possesses a number of buildings and structures that are permanent and the historic use of the land was for commercial purposes.
- 40 However, contrary to what the applicant argues, the new bungalow would have a significantly greater impact on the openness of the area compared with the existing development.
- 41 I would acknowledge that the footprint of the development would be reduced compared with the existing development that exists across the site. The applicant has also claimed that the volume of development would be reduced. However, they have included both above ground and below ground volume in their calculation of the existing volume of development. Taking the below ground volume away the existing and proposed volumes are similar, with the proposed volume being approximately 20m³ larger than the existing.
- 42 In addition to the increase in volume, the bungalow would be 3m greater in maximum height compared with the existing office/store building, 3.6m higher than the open sided shed and 4m higher than the maximum height of the low-level tank.
- 43 This demonstrates that the bulk, mass and form of the proposed bungalow would push the bulk, mass and form of the existing buildings upwards, which would be harmful to the openness of the area.
- 44 Therefore, the scheme cannot be considered as an appropriate redevelopment of previously developed land.
- 45 Overall, the proposal comprises inappropriate development that would be harmful to the open character of the area. In addition, the development would fail to safeguard the countryside from encroachment. The development is therefore contrary to the NPPF and policy LO1 of the Core Strategy.
- 46 The applicant is of the belief that the development is appropriate in the Green Belt and so has offered no very special circumstances to justify the harm that the proposal represents.
- 47 In this case, there are material considerations that may amount to or contribute to a case for very special circumstances. This issue is considered in more detail later in this report.

Impact on the character and appearance of the area

- 48 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

- 49 The site is positioned to the rear of dwellings that line Castle Hill and possess a mixed character in terms of their design and appearance. Two storey properties stand next to bungalows and a range of architectural features and materials exist to the exterior of the dwellings. Some dwellings are also located to the rear of the established ribbon of development that lines the lane.
- 50 The proposed development would be similar in design to other dwellings in the area, with the introduction of bungalow to the rear of those properties that line the lane and would be finished with brickwork and roof tiles. Yellow stock brickwork and slate tiles are indicated on the plans but the details of materials could be conditioned to ensure that appropriate materials are utilised.
- 51 I am satisfied that the design approach is acceptable since it is of a bulk, mass and scale that respects the character of the area. The design would ensure that the building would remain subservient in appearance and not overly dominant.
- 52 The proposal does not comprise an overdevelopment of the site since the property would sit comfortably within the plot and the size of the property is in proportion with the size of the site.
- 53 I am therefore of the opinion that the proposal would preserve the character and appearance of the area in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on residential amenity

- 54 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 55 The neighbouring properties potentially most affected by the proposed development would be those that are adjacent to the site. These include Hurstgrove itself, Rosemont, Melbury, Sunset Towers, Ivydene, Quantocks and Hillside Cottage.
- 56 The proposed bungalow would be situated a minimum of 35m from the adjoining properties and the two parking spaces proposed to serve the development would be a minimum of 20m from the nearest neighbouring dwelling.
- 57 At these distances the occupiers of the adjacent properties would not be subject to excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion, or a loss of privacy or light enjoyed by the occupiers of nearby properties.
- 58 The driveway that serves the site runs alongside Hurstgrove and Rosemont. However, this driveway exists and its current unrestricted use is comparable to that of the use of a single dwelling house. As such, I do not believe that the use of the driveway would cause a detrimental impact on the occupiers of Hurstgrove and Rosemont.

- 59 Due to the generous plot size and distances of separation to neighbouring properties I am satisfied that the future occupiers of the development would be provided with adequate residential amenities.
- 60 Overall, I would therefore conclude that the proposed development would be in accordance with the NPPF and policy EN2 of the ADMP.

Impact on highways safety and parking provision

- 61 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with three bedrooms require two parking spaces.
- 62 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 63 The continued use of the existing vehicular access that serves the site is wholly acceptable. The width of the driveway of approximately 4m, exceeds the required width for emergence vehicles.
- 64 Improvements are also referred to and further details of these can be sought by condition. The development also includes the provision of a minimum of two parking spaces.
- 65 Reference is made to the provision of a passing place adjacent to the highway. This is not a policy requirement and is something being offered by the applicant.
- 66 No reference is made to an electrical charging point to serve the property. However, this matter can be dealt with by way of condition.
- 67 In conclusion, the proposal would preserve highways safety and provide sufficient parking in compliance with the NPPF and policies EN1, T2 and T3 of the ADMP.

Impact on biodiversity

- 68 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 69 The County Biodiversity Officer has raised no objection to the scheme and ecological enhancements can be sought by way of condition.
- 70 Therefore, the development would be in accordance with the NPPF and policy SP11 of the ADMP.

Impact on the public right of way

- 71 The public footpath right of way lies a minimum of 10m from the new dwelling. At this distance, the use of the footpath would not be impacted upon.

Impact on the Source Protection Zone

- 72 The Environment Agency has provided comment on the application and suggested a number of conditions, including those relating to mitigating any potential impacts to the Source Protection Zone. Provided these conditions are complied with, the Source Protection Zone would not be affected.

CIL

- 73 This proposal is CIL liable and a claim for exemption has been received.

Assessment of any very special circumstances

- 74 As noted above, paragraph 144 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 75 Possible very special circumstances - these can be summarised as:
- Decrease in the footprint of development on the site
 - The provision of a passing place to serve Castle Hill
 - Housing land supply
- 76 The harm in this case has been identified as:
- The harm in principal from inappropriate development in the Green Belt, which must be given significant weight.
 - The harm to the openness of the Green Belt, which is also given significant weight.
- 77 The proposed decrease in the footprint of development on the site has already been considered above. This was not sufficient to make the development appropriate in the Green Belt and so I would give limited weight to this matter and no benefits to the openness of the Green Belt.
- 78 The provision of a passing place within the site to serve Castel Hill may improve highways safety along this stretch of the lane. However, no mention is made to allow the adoption of the passing place by the Highway Authority and so the control of the availability of the passing place would remain with the landowner, providing no guarantee that it would be provided in perpetuity. I would therefore afford limited weight to this matter.
- 79 Finally, the applicant has argued that we are unable to demonstrate a five-year housing land supply. This is incorrect since the applicant is referring to evidence that has now been superseded by evidence collected through the process of drafting our Local Plan, which has now been submitted to the Inspector. This evidence suggests that we can now demonstrate a housing land supply of 5.3 years. Whilst this is yet to be fully tested, I would afford limited weight to the applicant's assertion.

80 Overall, in reviewing the extent of harm and the potential very special circumstances, it is concluded that the cumulative limited weight attached to the circumstances in this instance would not clearly outweigh the harm in principle to the Green Belt from inappropriate development and the harm to openness.

Conclusion

81 I consider that the proposed development represents inappropriate development in the Metropolitan Green Belt and no very special circumstances exist in this instance that clearly outweigh the harm the scheme represents. Consequently, the proposal is not fully in accordance with the development plan.

Recommendation

82 It is therefore recommended that this application be refused.

Background papers

Site and block plan.

Contact Officer(s): Mike Holmes Contact: 01732 227000

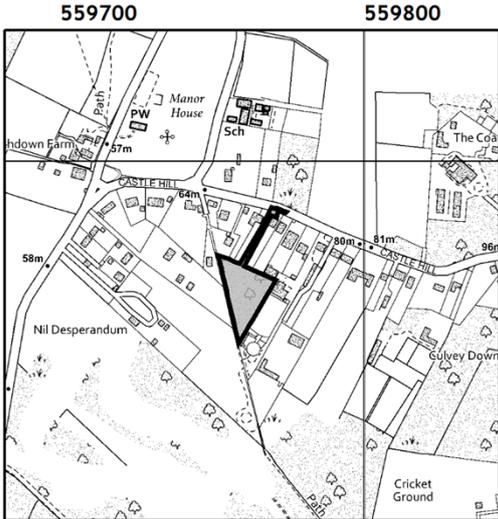
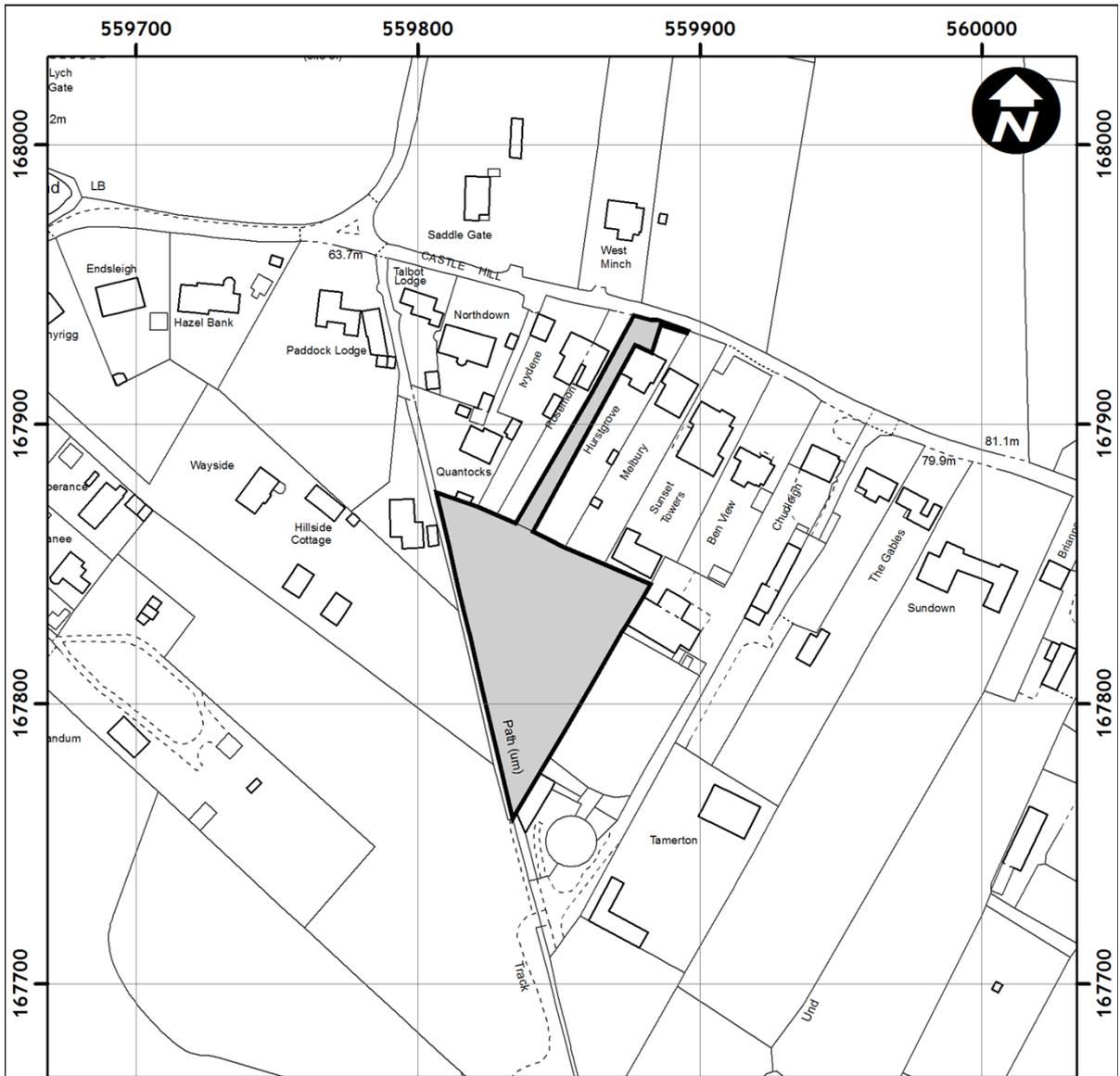
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PP35ZJBKGY000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PP35ZJBKGY000>



Site Plan

Scale 1:2,500

Date 05/07/2019



DISTRICT COUNCIL

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Ordnance Survey 100019428.

Proposed Block Plan

