

4.5 19/02020/FUL

Date expired 5 September 2019

Proposal:

Demolition of existing barn and erection of one 1-bed dwelling house.

Location:

Outbuilding South Of Godden Green House, Park Lane, Godden Green Sevenoaks Kent TN15 0JS

Ward:

Seal & Weald

#### **Item for decision**

Councillor Thornton and Councillor Hogarth have called the application to Development Control Committee on the grounds of harm to the landscape of the Area of Outstanding Natural beauty and the Green Belt.

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

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) Prior to reaching slab level details of the proposed external materials and green roof shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: PL100, EX099, PL202, PL101, PL201, PL200.

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, D or E of Part 1 of Schedule 2 or Class A of part 2 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the occupation of the dwelling full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), - written specifications (including cultivation and other operations associated with tree, plant and grass establishment), -schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of any means of enclosure, and -a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes 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 works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

6) Before the use or occupation of the development hereby permitted, the car parking area shall include two parking spaces at a scale of no less than 2.5x5m, which shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety.

7) Prior to the implementation of any visibility splays details of the landscaping (trees) to be retained, removed, and replaced along the proposed visibility splays shall be submitted and approved in writing by the local planning authority. These details shall include: - Tree protection measures, - Replacement trees including species, size, and a programme of implementation, - Root protection measures for retained trees. The works shall be carried out in accordance with the approved details.

To conserve the visual appearance of the area as supported by EN5 and EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the occupation of the new dwelling hereby permitted details for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the new dwelling hereby approved.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

9) No development shall be carried out above DCP level of the hereby approved dwelling and extension until a visibility splay of 2m x 43m has been provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility above 0.9m in height above ground level shall be erected within the area of such splays.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to the commencement of the development details of the existing and proposed land levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved land levels.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework of the Sevenoaks Allocations and Development Management Plan.

### **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 site**

- 1 The application site is located to the east of Park lane. The site currently houses a garage/outbuilding, which is single storey, comprised of solid brick work, has a pitched roof and a linear traditional appearance.
- 2 The site is surrounded by heavy vegetation and trees, part of which forms hedging along the adjacent roadside and eastern boundary. A Public Footpath runs to the south and east of the site. Limited views can be gained due to the vegetation and existing fencing. The site is located in the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.

### **Description of proposal**

- 3 Demolition of existing barn and erection of one 1-bed dwelling house.
- 4 The proposed dwelling would have an overall width of 11.080m and depth of 5.095m. The dwelling would contain a basement which would be partly visible with access stairs and slightly elevated land levels.
- 5 The dwelling would have a long linear form which would be single storey with a green roof. The overall height of the built form would be between 3.2m and 3.5m. The proposal would be of timber construction and some large glazing panels.

## Relevant planning history

- 6 18/01930/FUL Change of use of barn to one 1 bed dwellinghouse - GRANTED - 30/08/2018
- 7 18/02860/FUL Change of use of barn to 2-bed dwellinghouse with extension - GRANTED - 29/11/2018
- 8 19/00005/FUL Demolition of existing barn. Erection of one 2 bed dwellinghouse - WITHDRAWN - 25/03/2019

## Policies

- 9 National Planning Policy Framework (NPPF)
- 10 Core Strategy (CS)
  - LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
- 11 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - T2 Vehicle Parking
  - T3 Provision of Electrical Vehicle Charging Point
- 12 Other
  - Development in the Green Belt (SPD)
  - National Planning Policy Guidance

## Constraints

- 13 Green Belt - GB
- 14 Area of Outstanding Natural Beauty - AONB

## Consultations

### Parish/Town Council

- 15 The existing structure is described in the application as a 'woodstore'; it is not a barn. Planning permission was granted (18/01930/FUL) for the conversion of this isolated outbuilding of traditional construction and style within the curtilage of Godden Green House to a small dwelling. A subsequent permission was granted for an extension to approximately increase the volume by 50% and the floorspace by 100% (18/02860/FUL).

- 16 Both permissions are subject to planning conditions to ensure “that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan” and that “any future development maintains the character of the area and protects neighbouring amenity in accordance with Policies EN1 and EN2”.
- 17 The Parish Council strongly objects to the current proposal for an entirely new dwelling to replace the existing outbuilding. This is contrary to the purpose of the planning conditions to maintain the character of this area, which is within the AONB. It is contrary to the principle that ancillary outbuildings within residential curtilages should not be replaced by independent dwellings within the Green Belt.
- 18 The proposal is contrary to The National Planning Policy Framework paragraph 145(d) which defines an exception to ‘inappropriate development’ as “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.” The proposal fails this criterion, and is contrary to the principles of Adopted Local Plan policies which protect the openness of the Green Belt and the character of the AONB.
- 19 The original building has a floor-space of 57.12sqm but the proposal is for a dwelling of 94.1sqm; an increase of 65% contrary to Policy GB1
- 20 The proposed access does not comply with planning conditions on the existing consents and required by the Highways Authority, that a visibility splay of 2m x 43m must be provided on each side of the access if it is to be used for the new dwellings.
- 21 If the planning authority were minded to permit the application, planning conditions should be imposed to withdraw permitted development rights, to meet the requirements of the Highways Authority and to ensure that the damage thus caused to the roadside hedges and trees are made good, as for 18/02860/FUL.
- 22 A condition should be imposed to control external lighting in this remote location, which is close Park Lane. The extent of glazing facing the nearby highway should not exceed that of the existing building.

### **KCC Highways**

- 23 I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
- 24 Before the use or occupation of the development hereby permitted, the car parking area shall include two parking spaces at a scale of no less than 2.5 x 5m shall be provided and shall be kept available for the parking of cars at all times.

- 25 Prior to the implementation of any visibility splays details of the landscaping (trees) to be retained, removed, and replaced along the proposed visibility splays shall be submitted and approved in writing by the local planning authority.
- 26 Prior to the occupation of the new dwelling hereby permitted details for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the new dwelling hereby approved.

### **Representations**

- 27 The Council received 1 letter of objection relating to the following issues:
- Design Concept in Design and Access states that the building has been designed to ‘draw a distinction between built form and landscape’. Makes no reference to respond or respect the character of the area.
  - Design would be at odds with the existing character of the AONB would fail to conserve or enhance the AONB.
  - Light pollution from extensive glazing in the AONB.

### **Chief Planning Officer’s appraisal**

- 28 The main planning consideration are:
- Principle of development
  - Impact to the Green Belt
  - Impact to the AONB
  - Impact to the design and character of the area
  - Impact to neighbouring amenity
  - Highways/parking
  - Very Special Circumstances

### **Principle of the development**

- 29 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas’ can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 30 Para 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.

- 31 The National Planning Policy Framework (NPPF) places an emphasis for development to be focused on previously developed land. The NPPF defines previously development 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 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’.

- 32 The building itself is not agricultural and has not been used for agricultural purposes, nor does the land and building constitute a residential garden. This is due to the distance from the main dwelling (Godden Green House) and the informal character of land in this location. The existing building would therefore represent previously developed land.

- 33 The existing garage/outbuilding, benefits from planning permission for its conversion to residential use and extension of the existing built form, under application references: 18/01930/FUL and 18/02860/FUL. The use of the land for residential purposes is already established.

- 34 Policy L07 of the Core Strategy identifies that in Seal:

‘...infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available...’.

- 35 The site lies outside of the main settlement of Seal and thus Policy L08 of the Core Strategy is a relevant consideration. Policy L08 of the Core Strategy seeks to protect the distinctive character of the Area of Outstanding Natural Beauty and the special character of the landscape.

- 36 The proposal under this application is to demolish the existing garage/outbuilding and replace the built form with a dwelling. The proposal for one additional dwelling in this location is principally accepted due to the above. This is subject to the impact to the Green Belt, Area of Outstanding Natural Beauty, neighbouring amenity and parking and highways.

### **Green Belt**

- 37 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development, there are some exceptions. 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.

- 38 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.
- 39 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.

### **Assessment against policy and impact on openness**

- 40 The existing garage/outbuilding has been granted permission for conversion for residential use under application references: 18/01930/FUL and 18/02860/FUL. The building has not however currently been converted. No local policy would allow for the proposed works as it would not meet the policy definitions. Policy GB7 does not apply in connection with this proposal.
- 41 Paragraph 145 of the NPPF states that:
- ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- (g) limited infilling or the partial or 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’.
- 42 As established above the built form is considered previously developed land. As such, the proposal can be considered under sub-paragraph (g) of paragraph 145 of the NPPF.
- 43 The original building has a floor-space of approx. 57.58sqm. The proposed replacement dwelling would have a floor-space of approx. 112.90sqm. This would represent an increase of 96.08%. However, the majority of the extension would be located at basement level.
- 44 The proposed basement level would mean the majority of the resultant bulk and mass would be contained below ground. A small portion of the basement would be visible with the door and staircase exposed. The proposed dwelling would in addition lie on slightly elevated land levels to the existing.
- 45 The design of the proposed dwelling would introduced a flat roof. The flat roof would see a loss of the existing pitch which contains a larger degree of

bulk and mass. As a result, taking into account the visible portion of the basement the resultant approx. volume of the proposed dwelling would be 187.96m<sup>3</sup>. This would represent a loss of volume from the original which is approx. 208.49m<sup>3</sup>. A resultant loss of approx. 9.85% in volume of the building would occur. This reduction in volume would therefore reduce the adverse impact upon the openness of the Green Belt.

- 46 While the volumetric dimensions of the built form would be reduced, the proposal would create a residential curtilage. As such, the installation of residential paraphernalia including enclosure details, potential outbuildings and other domestic items would occur. The impact to the open field which surround this building would be harmful in comparison to the existing development.
- 47 As such, the proposal would fail to comply with sub-paragraph (g) of paragraph 145 of the National Planning Policy Framework.

### **Very special circumstances**

- 48 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 in this report.

### **Area of Outstanding Natural Beauty (AONB)**

- 49 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.
- 50 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 51 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance
- 52 The application site is located within the Kent Downs Area of Outstanding Natural Beauty. The site already contains built form with the outbuilding creating bulk and mass within the setting of the field. To the south, north and west of the site a variety of sporadic built form exists. This includes residential dwellings and Sevenoaks Preparatory School. Built form, including residential development, in this location is an expected form of the AONB landscape.

- 53 The built form varies within the local vicinity. This is due to the sporadic growth of development in the area and the rural context of Godden Green. The school is currently subject to a more contemporary addition with other residential dwellings having a more traditional form, bulk and mass. The dwellings do have origins in the 19<sup>th</sup> and 20<sup>th</sup> century.
- 54 A network of public rights of way are located to the east, south and west of the site. Public rights of way provide greater access and visibility of the Kent Downs AONB. While the wider area has an open field pattern character, the site in question is located within a field which is fairly well screened from the public realm by established hedging, close boarded fencing and vegetation.
- 55 The public right of way cuts across the grounds of Sevenoaks Preparatory School, the user of the landscape in this location would therefore experience a more contemporary style development in the vicinity.
- 56 The more traditional dwellings have settled into the environment due to age, design and setting. The dwellings tend to be clustered together, which can be seen with Lordspring Cottage, Little Steading, 1, 2, 3 and 4 Cherry Tree Cottage and Stake Cottage. The proposed dwelling would sit more than 100m from these dwellings. As a result, if the proposal was constructed in a more traditional design (modern interpretation of an Arts and Crafts dwelling), due to it being located within the open field it would have a stark and incongruous appearance. Taking this into consideration the proposed replacement of the outbuilding is therefore of a more square and contemporary design. The low scale of the built form, its overall screening and the use of natural materials such as timber would mean the built form would conserve the more varied context of the wider area and settle into the open field in a more discreet manner.
- 57 The less traditional design of the proposed built form would not contain a strong residential character. Given the rural setting, the use of weathering materials, loss of volume and bulk from the existing pitched roof would create a dwelling that responds to a greater degree with the landscape.
- 58 The proposal would contain larger glazing panels than that previously approved. While these openings would be an enlargement, the previously approved plans would allow for residential use and associated light admittance. The proposed dwelling would be single storey which would limit the light admittance.
- 59 The agent has submitted details of potential light filters to the windows. From my reading of the information the filters would prevent heat entering the house rather than preventing light spill. However, a condition could be imposed to ensure that the glazing prevents significant light spillage to protect the dark skies of the AONB.

- 60 Conditions relating to ecological enhancements and landscaping could ensure a further enhancements to the AONB landscape. A condition could also be imposed to protect the existing trees and hedges.
- 61 The proposal would be considered to conserve the landscape and due to the loss of volume and bulk would enhance the landscape in conjunction with landscape conditions. The proposal is considered to comply with policy EN5 of the ADMP.

### **Design and impact on the character of the area**

- 62 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.
- 63 The site is located within an open field with the wider character of the area being rural. Whilst the predominant character of the area is rural, the area does feature a number of residential dwellings and other built form including the school.
- 64 The proposed replacement built form would sit within an open field which is heavily screened by trees and vegetation. Due to the proposed small scale of the built form it would not erode the sense of spaciousness or the characteristics of this site. The proposed replacement dwelling would have a modest height, width and depth and due to the use of the basement would not overwhelm the plot.
- 65 The dwelling would have a more contemporary design than that of the existing garage/outbuilding and a number of the surrounding residential properties. However, there is not a set design in this location and due to the heavy vegetation a number of the dwellings are not widely visible from the public realm. With no set uniform design the proposed contemporary design of the development would not stand out or dominate the street scene.
- 66 The use of natural cladding, such as timber, will also allow the building to weather into its surroundings and mirror the rural character of the area.
- 67 The eastern boundary landscaping provides a valuable contribution to the character of the area. The retention and back planting of as much of this unprotected vegetation would be important in securing the overall verdant character of the area. Currently this could be removed as a result of visibility splays connected with development to the north. The securing of this permission could allow landscaping conditions to secure the re-planting of any vegetation lost as a result of the proposed developments in the area.
- 68 The site already contains an access and the maintenance of the landscaping by condition would ensure the character of the area is secured. The proposal would comply with policy EN1 of the ADMP.

### **Neighbouring Amenity**

- 69 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 70 As a general rule a distance of 21m is considered sufficient to ensure a significant loss of amenity would not occur. The proposed replacement dwelling would be located at a sufficient distance (approx. 100m) from other residential dwellings.
- 71 The distance and single storey scale of the development would ensure that a significant loss of daylight/sunlight would not occur. The distance and overall height of the proposed development would also ensure that visual intrusion to neighbouring outlook would not occur.
- 72 The proposed dwelling would contain two side widows at either end of the property. The proposal would sit on slightly artificially raised ground, however its overall dimensions would mean the dwelling would not exceed an ordinary single dwellings height. In, addition the distance between the dwellings to the south (Lord Spring Cottage and Little Steading) and the new development to the north is sufficient that a significant loss of privacy would not occur.
- 73 The proposal would introduce a residential use to the land. However, the area does feature a number of residential dwellings, a school and a well-used road. The proposed introduction of a further residential property would allow for an acceptable degree of expected residential noise.

### **Proposed dwelling**

- 74 The proposed dwelling would have a basement with a single opening (front door). The basement contains two bathrooms and does not appear to contain habitable spaces. As a result, the basement would not need more sufficient light sources. However, should this area be used for habitable accommodation this would be a matter for building control.
- 75 At ground floor the dwelling would have sufficient openings for allowing natural light to filter in and ensure sufficient outlook. The property would have residential amenity space which would be large enough for a single bedroom/family dwelling.
- 76 The proposed dwelling would maintain acceptable amenity levels for surrounding properties. The proposal would comply with policy EN2 of the ADMP.

### **Parking and Highways Impact**

- 77 Policies EN1 and T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

- 78 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.
- 79 The site already has an existing access. Planning permission has already been established for residential vehicular access in this location under applications 18/01930/FUL and 18/02860/FUL. KCC Highways were consulted on the planning application and raised no objection subject to conditions, which would be attached to any granted permission. The site would accommodate two parking spaces as per the KCC guidance.
- 80 In addition, in accordance with policy T3 of the ADMP an electrical charging point would be conditioned. The site would have sufficient space for the storage of refuse.
- 81 The proposal is considered to comply with policy EN1 and T2 of the ADMP.

### **Trees and Landscaping**

- 82 One of the defining features of the area is the heavy vegetation and trees that lie adjacent to the highway along the western boundary. The vegetation is sporadic in nature but combines to create an appearance of an attractive hedge adjacent to the road. The trees in this location are not protected by planning legislation. As part of previous site visits the Tree Officer has visited the site.
- 83 It would be important to secure a landscaping condition to ensure that backfilling of landscaping would occur regardless of whether or not some of the landscaping is removed for the proposed visibility splays.

### **Very Special Circumstances**

- 84 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.
- 85 Possible very special circumstances - these can be summarised as:
- Loss of volume, bulk and mass
  - Previously Granted Scheme: 18/02860/FUL
  - Securing of landscaping
- 86 The harm in this case has been identified as:
- The harm in principle 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.

- 87 It has been established above that the proposed replacement dwelling would see a loss in volume from the existing/original built form. The impact of the built form to the open landscape would be less than that which currently exists.
- 88 Under application 18/02860/FUL the conversion of the outbuilding to a residential dwelling with an extension was granted and could be implemented. Under application 18/02860/FUL the proposed extension would have had some below ground level development, the resultant volume of the proposal would have been approx. 311.93m<sup>3</sup>. Extensions were permissible under policy GB7 of the previous application. The current proposal would offer a significant improvement to the openness of the Green Belt.
- 89 The previous planning permission has also created a precedent of potential residential use with associated residential paraphernalia. Permitted Development rights were previously removed. Under this application Permitted Development rights could once again be removed from the site. This would include means of enclosure and outbuildings.
- 90 As a residential use can already be implemented on site the previous applications coupled with the resultant loss of volume, bulk and mass would ensure that the harm to the Green Belt would be clearly outweighed. The granting of the application would also allow landscaping conditions which would seek to protect and see replacement of any loss of planting.
- 91 As discussed above, the case of Very Special Circumstances is tantamount to a Green Belt 'fall back' position. 'fall back' positions constitute a material planning consideration. The council has encountered similar schemes and attributed weight in considering such cases of Very Special Circumstances, although each case is considered on its own merits. In this instance, the current proposal offers the opportunity to reduce the bulk and mass located on site and from that which could arise should the applicant seek to implement the previous planning permission 18/02860/FUL.

92 Conclusion on very special circumstances

In reviewing the extent of harm and the potential very special circumstances, it is concluded that significant weight should be given to the existing permission for residential use and this would clearly outweigh the harm to the Green Belt.

**Other issues**

93 Design and Access Statement

Design and Access Statements do make justifications for development. However, spate assessments by Officers are made and do solely rely on the justifications of agents/applicants.

### **Community Infrastructure Levy (CIL)**

94 This proposal is CIL liable and there is no application for an exemption.

### **Conclusion**

95 The proposal would represent inappropriate development in the Green Belt, this would however be outweighed by the case of very special circumstances. The proposal would reflect the rural character of the site and the use of materials would reflect and weather the more open landscape. The proposal is considered to comply with landscape considerations. Subject to condition the proposal would comply with highway policy and would not result in a significant loss to neighbouring amenity.

96 It is therefore recommended that this application is GRANTED.

### **Background papers**

Site and block plan

Contact Officer: Emma Gore Contact: 01732 227000

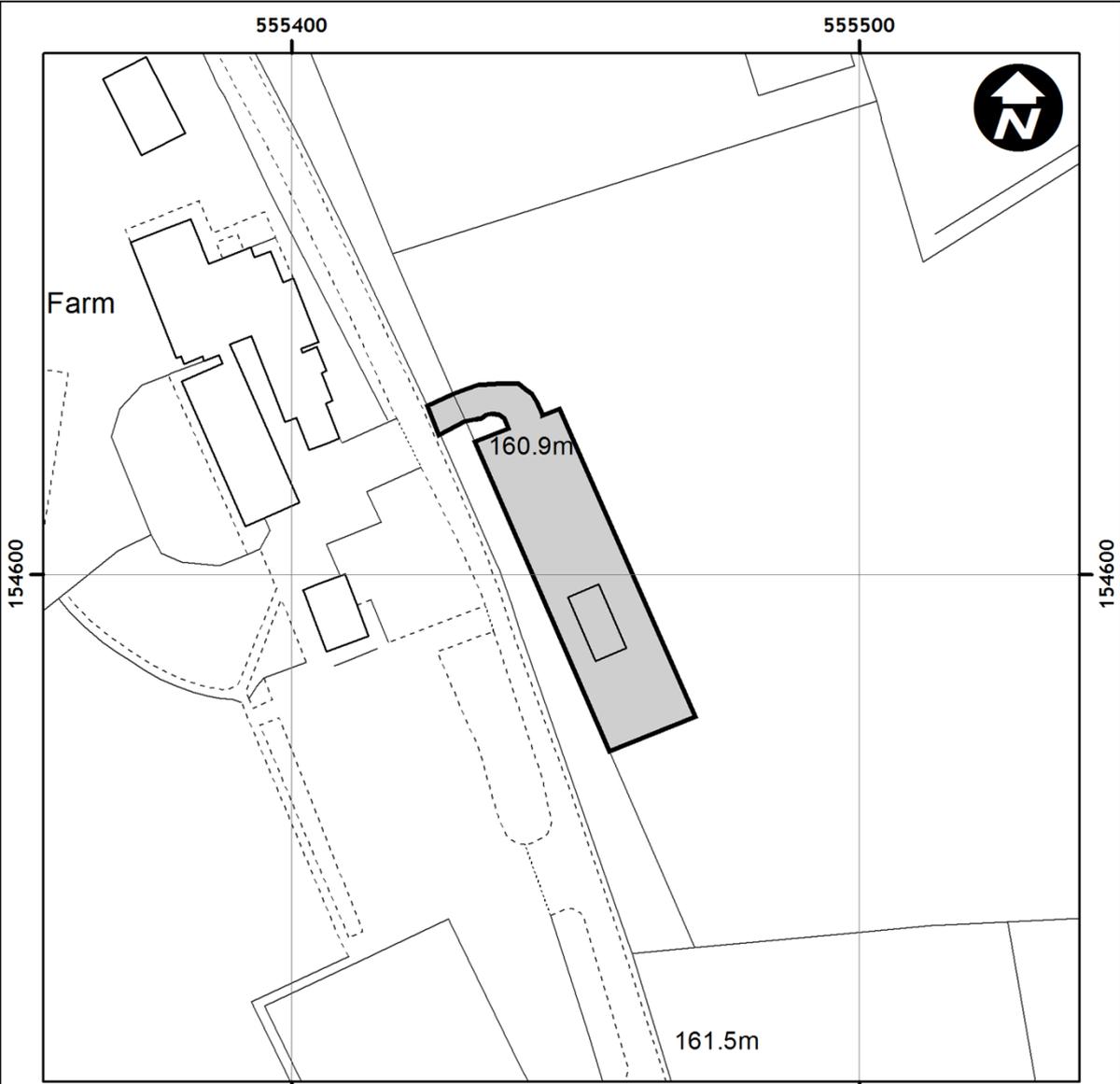
**Richard Morris**  
**Chief Officer Planning & Regulatory Services**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUDTLNBKIYE00>



# Site Plan

Scale 1:1,250

Date 19/10/2019



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Ordnance Survey 100019428.

# BLOCK PLAN

