

4.2 19/02339/FUL

Revised expiry date 15 November 2019

Proposal:

Demolish existing barn with residential consent and construct a replacement dwelling.

Location:

Park House Farm, Bower Lane, Eynsford KENT DA4 0HN

Ward(s):

Eynsford

### Item for decision

This application has been called to Committee by Councillor Cheeseman to consider whether the proposals would represent inappropriate development harmful to the openness of the Green Belt and whether they would conserve and enhance the Area of Outstanding Natural Beauty.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1617/A4/94, A1/500, A1/510, A3/SK410.

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

3) Prior to the commencement of development (and vegetation clearance), the full Great Crested Newt mitigation strategy, as detailed within the GCN Developmental Impact & Mitigation Strategy by Lewis Ecology dated 28th May 2019, shall be undertaken in accordance with the specifications set out in the strategy and shall be carried implemented by an experienced ecologist.

To protect biodiversity as supported by the NPPF and Policy SP11 of Sevenoaks District Councils Core Strategy.

4) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, details of the means of protection of any trees located within the vicinity of the proposed works, in accordance with BS5837: 2012 Trees in Relation to Construction, are to be submitted to the District Planning Authority for approval in writing and the land so enclosed shall be kept clear of all contractors materials and machinery. The existing soil levels around the boles of the trees shall not be altered. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the trees during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

5) The materials to be used in the construction of the development shall be those indicated on the approved plan 1617/A1/510.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall be carried out above the damp proof course of the hereby approved dwelling until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall cover: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and a timetable for implementation. Development shall be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

7) Notwithstanding the site area defined in red, no development shall take place until details of the curtilage to the dwelling hereby approved have been submitted to the Local Planning Authority for approval in writing. The curtilage shall be set out and retained in accordance with the approved details, before the dwelling is first brought into use and maintained as such at all times.

To prevent inappropriate development in the Green Belt as supported by GB9 of the Sevenoaks Allocations and Development Management Plan.

8) No external lighting shall be installed on or around the new dwelling hereby permitted unless details have first been submitted to and approved in writing by the local planning authority. The approved lighting shall be installed in accordance with the approved details and retained as such.

To ensure the rural character of the area and Kent Downs Area of Outstanding Natural Beauty is conserved in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

9) The parking spaces so shown on drawing 1617/A1/500 shall be made available prior to the first occupation of the new dwelling and retained as such thereafter.

To ensure the development provides sufficient parking in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

10) 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, B, C, D, E or G of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling hereby permitted without the grant of a further planning permission by the local planning authority.

To prevent inappropriate development in the Green Belt as supported by GB9 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall be carried out above the damp proof course of the hereby approved development until a scheme to promote ecological enhancement has been submitted and approved in writing by the local planning authority with a scheme of implementation. The ecological enhancements shall be carried out in accordance with the approved details prior to first occupation of the dwelling and shall be maintained thereafter.

To enhance biodiversity as supported by Policy SP11 of Sevenoaks District Councils Core Strategy.

12) Prior to occupation of the dwelling, details for the provision of facilities for the safe charging of electric vehicles and an implementation timetable for the installation of the unit shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the approved details within 3 months of the date of approval and shall be retained thereafter.

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

### **Informatives**

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2) 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

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

### 3) Bat Conservation Trust and Institution of Lighting Engineers

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

#### UV characteristics:

##### Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

##### High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

4) There is some potential for hedgehogs to be present on site. Therefore, any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape. Any clearance of boundary vegetation must be undertaken between April and October to avoid harming hibernating hedgehogs.

### **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 site comprises a large open site which is occupied by two dwellings, a large barn and stable block. The site has varying levels, with open views to the fields to the north-east and south.
- 2 The barn is sited close to the western boundary with Bower Lane and has been used as a storage building for more than 10 years, associated with the residential use of the site but not within the curtilage of either dwelling (as confirmed by 17/02708/LDCEX).

### **Description of proposal**

- 3 Demolish existing barn with residential consent and construct a replacement dwelling. The proposed dwelling would match the size and bulk of the existing barn relocating it back from the access to Park House Farm. The materials would comprise of a dark grey metal roof, black vertical boarded walls and aluminium windows on a red brick plinth.

### **Relevant planning history**

- 4 10/02353/FUL - Demolition of existing dwelling and erection of replacement dwelling - GRANT - 30/11/2010
- 5 10/02817/FUL - Change of use of existing barn annexe and alterations to create a new 3 bedroom dwelling - GRANT - 18/02/2011
- 6 17/02708/LDCEX - Use of barn for B8 domestic storage - GRANT - 18/10/2017
- 7 17/03965/FUL - Change of use from domestic storage (B8) to residential (C3) - GRANT - 27/04/2018

## Policies

### 8 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 proposed<sup>6</sup>; 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.

### 9 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP11 Biodiversity

### 10 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EN6 Outdoor Lighting
- GB9 Replacement of a Non Residential Building in the Green Belt
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Point

### 11 Other

- Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD)
- Sevenoaks Countryside Character Area Assessment SPD

## Constraints

### 12 The following constraints apply:

- Metropolitan Green Belt
- Area of Outstanding Natural Beauty
- Biodiversity Opportunity Area
- Adjacent Local Wildlife Site

## Consultations

### 13 Eynsford Parish Council

“Object. That Councillors object to this application, under policy GB4 replacement dwellings within the Green Belt, current barn no clear evidence of a second floor so cannot be used in calculating the additional 50% of original, therefore, the new floor space is significantly above the 50% limit for additional floor space. “

### 14 KCC Ecology

KCC Ecology confirmed that no additional information was required prior to determination of the planning application however the detailed mitigation / enhancement requirements must be implemented as a condition if planning permission is granted.

### 15 KCC Highways

“The proposal seeks a new opening and gate which should be set back from the highway by a minimum of 5 metres to ensure that vehicles can exit the highway sufficiently while the gate opens.

I do not raise an objection on behalf of the highway authority, and suggest the following condition:

Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.

### 16 Kent Wildlife Trust

No response received

### 17 Natural England

“Natural England has no comments to make on this application.”

### 18 SDC Tree Officer

“I have no comments on the main proposal. I do suggest that details of the hedgerow is conditioned. I would expect to see mixed indigenous planting.”

### 19 Thames Water

No response received



## **Representations**

20 No representations have been received

## **Chief Officer Planning and Regulatory Services' appraisal**

21 The main planning considerations are:

- Impact upon the Green Belt
- Impact upon the AONB
- Neighbouring amenity
- Access, parking and highways
- Trees and landscaping
- Biodiversity

## **Background**

22 Planning permission was granted in April 2018 for the conversion of the existing barn into a residential use with the proposal being in line with national and local planning policy.

23 The current proposal involves the demolition of the existing barn with the erection of a new barn moved 5.5m back from the southern boundary of the site and 8m further back from Bower Lane.

24 The proposed barn would be the same size as the existing barn with a metal curved roof with vertical black stained wooden walls on a brick plinth with aluminium windows and doors with a similar design to that previously granted.

25 The policy implications of this replacement will be considered below.

## **Impact on the Green Belt**

26 The NPPF states that 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.

27 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this amongst others are:

28 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.

- 29 Policy GB9 states that proposals to replace an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:
- a) The existing building is lawful and permanent in nature;
  - b) The design and volume of the proposed replacement building would not be materially larger than the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and
  - c) The replacement building would be within the same use as the building to be demolished.
- 30 The proposal is for the demolition of an existing barn granted a B8 storage use in 2018 and its replacement by a dwelling relocated on the existing site that would match the size of the existing barn. The proposal would accordingly have no greater impact upon the openness of the Green Belt and would represent appropriate development within the Green Belt.

**Area of Outstanding Natural Beauty (AONB), Design and impact on the character of the area**

- 31 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.
- 32 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.
- 33 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.
- 34 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.
- 35 The proposal would result in the demolition of the existing barn which lies adjacent to the access to Park House and its replacement by a building which would be set 5.5 away. The building would also be set back 8m from Bower Lane compared to the existing barn which is located 3m from the highway.

- 36 The boundary along Bower Lane is screened by mature trees and a 2m close boarded fence. The current barn is clearly visible from Bower Lane as approached from the south and through relocating the proposed dwelling away from the access drive to Park House there is a significant increase in the space available for additional landscaping (new hedging is proposed), which over time would significantly reduce the visual impact of the building.
- 37 The proposed dwelling would incorporate a design influenced by the existing barn, but utilising more sympathetic materials, including black softwood vertical boarding, dark grey metal roof covering on a red brick plinth and aluminium windows.
- 38 Car parking will be provided to the north of the proposed dwelling with a gravel drive accessing through the existing gates to the site. The land to the east of the dwelling will be retained as a paddock and the residential curtilage would be limited in extent.
- 39 To the east of the site lies a row of stables which would be set back at a distance of over 35m from the proposed dwelling.
- 40 Other than an unmade farm track which extends approximately 275m to the east the only road to the east of the site is Maplecombe Lane located approximately 0.9km to the east. A footpath extends 0.8km to the east running northwest to southeast however at these distances the proposal would not impact upon the wider landscape character of the area.
- 41 The proposed dwelling would incorporate an appropriate design that would represent an enhancement on the existing unattractive metal clad barn and through its relocation on the site would be less visible than the existing building. Landscaping has been indicated on the submitted drawings which can be conditioned.
- 42 In conclusion the proposal would represent an appropriate design in a better location that allows for enhancement of landscaping, enabling the conservation and enhancement of the Area of Outstanding Natural Beauty meeting the requirements of national and local planning policy.

### **Neighbouring Amenity**

- 43 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 44 The only properties within close proximity to the proposed dwelling are Park House Farm located 16m to the south of the proposed dwelling and The Bungalow located 25m to the north east of the proposal.
- 45 The southern boundary of the site comprises of a 2m close boarded fence with a line of mature trees extending along the northern border of Park House Farm which would screen views of this property from the proposed dwelling and would ensure that there would be no loss of light.

- 46 Due to the Bungalow being located at a distance of 25m from the nearest neighbouring property the separation distance would be adequate to ensure that this properties amenities are not adversely affected. The enhancement of the design would ensure that the proposal would not have an adverse impact upon the Bungalows visual amenity.
- 47 In consequence the proposal would not have an adverse impact upon local amenities and would meet the requirements of the NPPF and policy EN2 of the ADMP.

### **Parking and Highways Impact**

- 48 Policy EN1 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 a 4 bedroom dwelling in this location would require 2 parking spaces.
- 49 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. A condition can be imposed to ensure that the vehicle charging point is installed prior to occupation.
- 50 The existing access to the north of the site would be used and the existing gates to the site are to be retained. These gates are set back from the highway by 5m and open inwards meeting the requirements of Kent Highways.
- 51 Subsequent to the consultation response from KCC Highways the application was changed to retain the existing gates and entrance overcoming the requirements of KCC Highways in respect to the gates being set back and opening into the site. The existing gates meet this requirement.
- 52 In consequence the proposal would meet the requirements of the NPPF and policies EN1, T2 and T3 of the ADMP

### **Trees and Landscaping**

- 53 The proposal would retain the trees along the western boundary and would incorporate new planting in the form of a native species hedgerow to be planted along the remaining boundaries. A pasture would be created to the east of the dwellinghouse and the access drive and parking. The Council's Tree Officers were consulted on the proposal and had no objections subject to an appropriate landscaping condition.

### **Biodiversity**

- 54 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.

55 An ecological survey was submitted which KCC Ecology have reviewed and are acceptable to the proposal subject to appropriate conditions and informatives in respect to biodiversity and mitigation for Great Crested Newts.

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

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

#### **Conclusion**

57 The proposal would represent appropriate development that would not impact upon the openness of the Green Belt, would conserve and enhance the AONB, would incorporate an appropriate design, and would not impact upon local amenities. Subject to conditions the proposal would not have an adverse impact upon biodiversity and would enable opportunities for biodiversity enhancement.

#### **Background papers**

Site and block plan

Contact Officer(s): Guy Martin

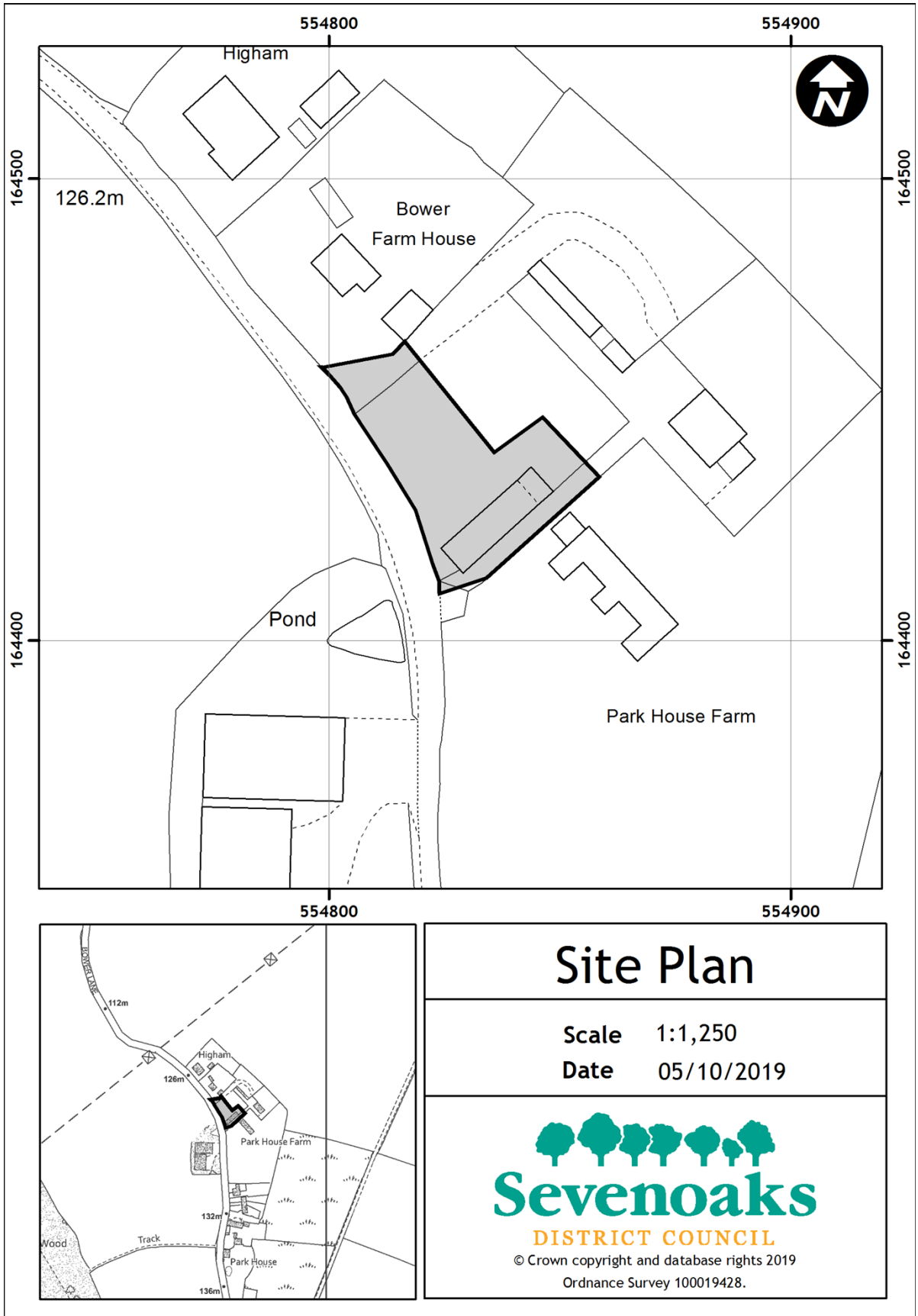
Extension: 01732 227000

**Richard Morris**

**Chief Officer Planning and Regulatory Services**

Link to applications 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=PVZ89XBKGVZ00>



# Site Plan

Scale 1:1,250

Date 05/10/2019



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Ordnance Survey 100019428.

BLOCK PLAN

