

4.4 21/01214/FUL Revised expiry date 10 July 2021

Proposal: Temporary consent for the retention of existing containers including re siting of 6 no. containers and removal from the site of 4 no. containers as amplified by amended site plan received 19 May 2021.

Location: Land Behind Barns East Of, Winkhurst Green Road, Ide Hill Kent TN14 6LD

Ward(s): Brasted, Chevening And Sundridge

Item for decision

This item is referred to Committee as the applicant is a staff member.

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

The proposals represent inappropriate development, which would be harmful to the openness of the Green Belt and in conflict with the purposes of including land within the Green Belt, contrary to the aims of the NPPF.

The proposals would be harmful to, and at odds with, the rural character of the area and the Area of Outstanding Natural Beauty, contrary to policy EN1 and EN5 of the Sevenoaks ADMP and the aims of the NPPF.

The proposals, through being at odds with the rural and tranquil character of the area, would cause harm to the amenities of nearby residential occupiers, contrary to policy EN2 of the Sevenoaks ADMP.

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 comprises an area of hard surfaced land located directly behind three large agricultural barns, together with access. The site is located to the west of Faulkners Hill Farm, north of Winkhurst Green, on Winkhurst Green Road, just south of the junction with Scallops. To the north

is a residential property known as Old Forge Cottage and to the south a residential property called The Smokery.

- 2 Until recently the land comprised the edge of the adjacent field, with a small area of hardsurfacing immediately to the rear to the agricultural barns. This has more recently been informally extended using a hardcore surface.

Description of proposal

- 3 Planning permission is sought for the siting of 16 metal storage containers for a temporary period of 5 years. Each container measures 5.4m by 2.3m wide, by 2.6m high. The footprint of the containers therefore equates to approximately 200m² in total area.
- 4 A number of containers have been on site since May 2020, although this application proposes a slightly change to their layout and reduce the total on site from 20 to 16.
- 5 The applicant explains that the containers are presently used as follows:
 - 6 for farm storage
 - 2 land rover parts storage
 - 2 local carpentry storage
 - 2 local gardeners storage
 - 1 bric-a-brac storage
 - 4 local builder/decorator/electrician storage
 - 1 local pub storage
 - 2 long term domestic storage.
- 6 The supporting Design and Access Statement explains that the containers are required to help the farm diversify to maintain viability.
- 7 The containers were originally all orientated along a north-south axis. However, following discussion with the neighbouring occupiers the layout has been amended so that 3 containers at the southern end are sited at 90° to the remaining ones, which provides some degree of enclosure at the southern end of the site.

Relevant planning history

- 8 There is no history which relates directly to the application site, but that for the barns on the frontage are as follows:
- 9 08/00423/AGRNOT: Erection of new grain store. Granted 6.3.08 (southern-most barn).
- 10 12/01251/AGRNOT: Erection of general purpose building - Prior Approval Not Required 25.5.12. (Barn to north)
- 11 17/00676/AGRNOT: Extensions of 2 general purpose buildings and 1 grain store. Withdrawn 14.3.17.

- 12 17/00818/AGRNOT: Extensions of a general purpose steel framed building. Prior Approval Not Required 6.4.17. (Rear (eastern) extension to ALL 3 barns).
- 13 21/00738/FUL: Change of use from agriculture to land rover restoration firm. Granted 25.5.21. (Relates to central of the 3 barns).

Policies

- 14 National Planning Policy Framework (NPPF)
- 15 Core Strategy (CS)
- SP1 Design of New Development
 - SP2 Sustainable Development
 - SP3 Affordable Housing
 - SP11 Ecology
 - L08 The Countryside and the Rural Economy
- 16 Allocations and Development Management Plan (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - GB7 Re-use of a Building within the Green Belt
- 17 Other:
- National Planning Policy Framework
 - Development in the Green Belt SPD

Constraints

- 18 The following constraints apply:
- Green Belt.
 - Area of Outstanding Natural Beauty

Consultations

- 19 Sundridge with Ide Hill Parish Council-
- 20 “The parish Council objects strongly to this proposal. The prior importation and use of 21 sea containers and subsequent retention of the majority without permission in an area of outstanding natural beauty is totally out of character with the locality and not allied to agricultural use. The use by various external parties will generate additional noise and traffic.”

Representations

- 21 A letter was received from a local resident objecting to the original layout as the containers are unattractive and their use results in noise and disturbance and loss of privacy from visitors to the containers.
- 22 Following receipt of the amended layout, the writer thanks the applicant for amending the layout, which will ensure they are not able to see the activities carried out.

Chief Planning Officer's Appraisal

- 23 The main planning considerations are:
- Green Belt implications
 - Impact on character of area and Area of Outstanding Natural Beauty
 - Residential Amenity
 - Highways Impacts
 - Other issues

Green Belt Implications

- 24 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 25 Paragraph 137 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.”
- 26 Openness is an essential characteristic of the Green Belt and proposals may have a spatial and visual implication. 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.
- 27 As storage containers are mobile structures, they would not comprise operational development (building works). However, the containers would represent a material change in the use of the land.
- 28 Paragraph 150 of the NPPF states that other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:
- 29 e) the material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

- 30 In this instance, the use is not one that helps facilitate an open use of the land. Due to their overall bulk and massing, the large number of containers proposed have a very tangible physical presence on the site, which erodes the openness of the Green Belt. The containers are visible from a distance and their materials and commercial appearance are in contrast to the agricultural form of the adjacent barns and interrupts their setting on the edge of extensive fields. As a consequence, both the use and the form of the containers fail to safeguard the countryside from encroachment.
- 31 The proposals represent inappropriate development, which would be harmful to the openness of the Green Belt.
- 32 Government policy states that there is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Such development should not be approved, except in very special circumstances.
- 33 Any case for very special circumstances will be considered further below.

Impact on character of area and Area of Outstanding Natural Beauty

- 34 SP1 of the Core Strategy requires all new development to be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP requires development to respond to the character of the area.
- 35 In respect of the AONB, policy EN5 of the ADMP is relevant and states that proposals will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape. The policy states that the highest level of protection shall be given to the protection of the landscape and scenic beauty.
- 36 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. Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 37 The level of the land drops from the application site towards the west. A small stream runs along the valley bottom, the land rising again towards the junction with Yorks Hill/entrance to Faulkners Hill Farm. There is a public footpath running southwards adjacent to the stream and another through the higher woods to the west. Views of the site from the latter are restricted by the woodland, but there are clear views along Winkhurst Green Road and the junction with Yorks Hill. There are also glimpses from the footpath adjacent to the stream. From these vantage points, the storage containers appear as an alien and incongruous feature within the rural

landscape. Whilst I note the applicant has offered to plant foliage to screen the containers, this itself would be likely to appear as a somewhat incongruous feature on the edge of an otherwise extensive open field.

- 38 In the circumstances, I consider the containers represent an obtrusive form of development within the countryside, which would fail to conserve or enhance the rural character of the countryside and the AONB.
- 39 In the circumstances, bearing in mind the relatively isolated, rural and tranquil nature of the site, I do not consider the site to be appropriately located for the general commercial uses proposed and consider the use and appearance of the containers to be wholly at odds with the character of the area.

Residential Amenity and Highways Impacts

- 40 Policy EN2 of the ADMP seeks to protect residential amenity.
- 41 Core Strategy policy SP8 seeks to focus commercial development in or adjacent to existing urban centres and policy EMP1 of the ADMP allocates specific sites. The application site is not so identified.
- 42 Paragraph 111 explains that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 43 The site has sufficient parking to accommodate visitors, although associated vehicular activity and access to the containers is likely to result in some related noise and disturbance. No details have been provided relating to highway movements and it appears that the present use may be a relatively low-key one. However, were permission to be granted, it would be difficult to restrict future occupiers, their mode of operation and levels of related vehicular activity. However the impact on the highway itself is not likely to be severe.
- 44 As above, given the tranquil nature of the site, the use of the land is likely to cause disturbance to residential amenity, in particular to the nearest residential properties from vehicular movements associated with the development. In the absence of any information to the contrary the proposals would conflict with policy EN2.

Conclusions and Planning Balance

- 45 In conclusion, for the above reasons, I do not consider the site to be an appropriate one for the introduction of commercial storage uses and consider the proposals would detract from the character of the area and the amenities of neighbouring occupiers.
- 46 I therefore consider the proposals fail to comply with the relevant policies summarised above.

- 47 No specific case of Very Special Circumstances (VSC) has been advanced by the applicant, however, it is apparent from the submission that the income from the containers is intended to contribute to the diversification and viability of the farm.
- 48 Harm arising from the proposals is summarised as follows:
- Harm in principle to the Green Belt
 - Harm to the openness of the Green Belt
 - Harm to the character and appearance of the area and the AONB
 - Harm to residential amenity
- 49 Paragraph 84 of the NPPF states that planning policies and decisions should enable development and diversification of agricultural and other land-based rural business.
- 50 Paragraph 85 states that:
- 51 “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.”
- 52 In summary, Core strategy L08 states that the extent of the Green Belt will be maintained and the countryside conserved and the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will be conserved and enhanced. Development that supports the maintenance and diversification of the rural economy, including development for agriculture, forestry, small scale business development and rural tourism projects, and the vitality of local communities will be supported provided it is compatible with policies protecting the Green Belt and AONB.
- 53 In light of the above, whilst it is clear that there is policy support for some diversification of the existing agricultural business, this is also dependent on proposals having an acceptable impact in other respects, i.e. to be sensitive to their surroundings and protect the Green Belt.
- 54 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities 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 resulting from the proposals, is clearly outweighed by other considerations.
- 55 It is accepted that the proposals, which support the viability of the farm may be acceptable in certain circumstances. An example of this is the very recent permission (May 2021) to change the use of one of the adjacent agricultural barns to commercial use. However, the spread of further commercial uses outside the confines of the buildings and into the open countryside has significant ramifications for the openness of the Green Belt

and the character of the AONB/countryside in general. No details have been provided regarding the financial implications of the proposals on the wider viability of this agricultural unit. Therefore I would give only modest weight to the benefits of diversification.

- 56 In the circumstances, bearing in mind policy states that substantial weight must be given to any harm to the Green Belt I do not consider the benefits, even for the period of five years for which permission is sought, would clearly outweigh the harm to the Green Belt and other harm identified.

Community Infrastructure Levy (CIL)

- 57 There are no implications for CIL.

Conclusion

- 58 The proposals represent inappropriate development, which would be harmful to the openness of the Green Belt and to the rural character and appearance of the AONB. Furthermore, the introduction of a commercial use onto the site would be at odds with the character of the area and detrimental to the amenities presently enjoyed by neighbouring occupiers.
- 59 It is therefore recommended that this application is refused.

Background papers

Site and block plan

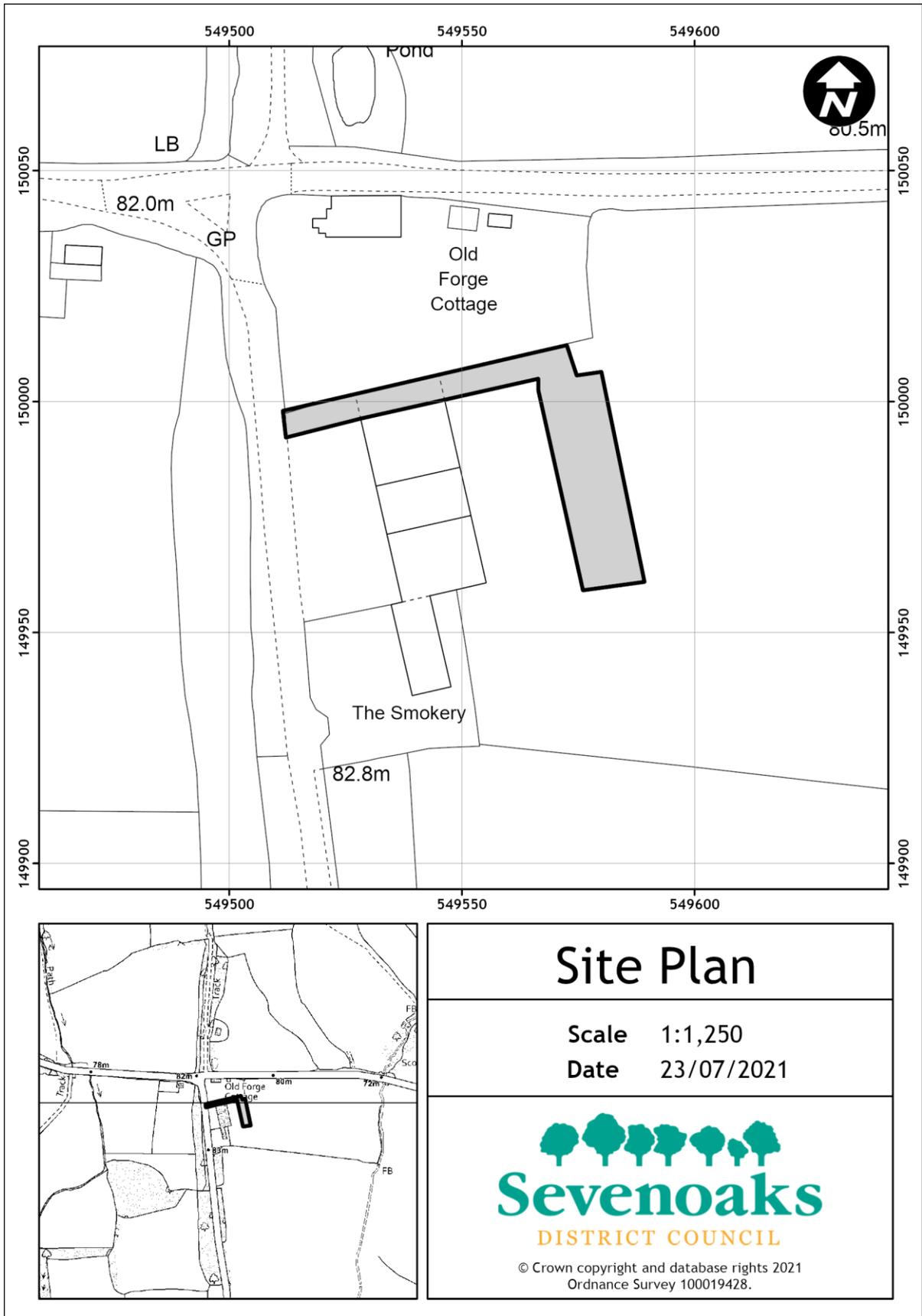
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[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

