

4.4 22/02908/FUL

Date expired 4 January 2023

Proposal:

Use of open storage yard for storage of motor vehicles.

Location:

Manor Buildings , Powder Mill Lane, Leigh Kent TN11  
9AS

Ward(s):

Leigh & Chiddingstone Causeway

#### **Item for decision**

This application is brought to Development Control Committee as the planning agent is related to an officer of the Council.

**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 and details: Location plan and block plan received 08/11/22 and 14/11/22

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

3) There shall be no retail or wholesale sales of motor vehicles carried out from the application site.

In the interests of highway safety.

#### **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 southern side of Powder Mill Road and near to the A21 - Tonbridge Bypass crossover bridge. To the south of the site is Medway House, an office building occupied by the Environment Agency and to the North West is Manor Cottage.
- 2 The site is an open yard that sits at the western end of Manor Buildings, a former redundant farm building that was granted permission for conversion to B8 storage purposes in 1992. The application site is located within the Metropolitan Green Belt, and in the Leigh Low Weald Landscape Character Area.

## **Description of proposal**

- 3 Permission is sought for the use of the site for the storage of motor vehicles that cannot be accommodated at the applicants' car sales business in Hildenborough. To the immediate south of the red line boundary of this application is an existing area for the storage of motor vehicles relating to application 15/03305/FUL.

## **Relevant planning history**

- 4 SE/01/00429 Part variation of condition 2 (SE/92/0129) to allow use of land approved under (SE/97/1338) by Flo gas Plc. Approved.
- 5 15/03305/FUL - Continued use of open storage yard for storage of motor vehicles. Granted.
- 6 17/03689/LDCEX - Continued use of the building and land for the sale of motor vehicles including pre-sales preparation and valeting. Appeal allowed.
- 7 18/01531/CONVAR - Removal of condition 2 (to limit the traffic generated in the interest of the amenities of the area) of reference 92/0129 for the change of use and conversion for class B8 storage and distribution and installation of septic tank. Refused.
- 8 18/02782/FUL - Portacabin unit. Appeal dismissed.

## **Policies**

- 9 National Planning Policy Framework (NPPF)

- 10 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.
- 11 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:
- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 12 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 13 Core Strategy (CS)
- SP1 Design of New Development and Conservation
  - LO1 Distribution of Development
  - LO8 The Countryside and Rural Economy
- 14 Allocations and Development Management (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - 12 Mitigating travel impact
  - T2 Vehicle Parking
- 15 Other
- Development in the Green Belt SPD
  - Sevenoaks Landscape Character Area Assessment - Leigh Low Weald.

### **Constraints**

- 16 The following constraints apply:
- Metropolitan Green Belt

### **Consultations responses**

- 17 Leigh Parish Council:
- 18 No comment to make on this application but request, should this application be approved, that the previous conditions on the use of the entire Manor Buildings site be applied to this part of the site. This includes, amongst others:

1. There shall be no retail or wholesale sales carried out. (Application 15-03305);
2. No advertisement and signage of cars for sale. (Lawful Development Certificate APP/G2245/X/18/3196630)

## **Representations**

- 19 1 letter received neither objecting nor supporting, it outlines the following points:
- The original permission for storage granted to Flo gas did not extend to this area of the site and it was always shown in the plans as an accessway or lorry turning area.
  - If the applicants wish to now use the site for storage, it should be considered as a new application for storage to ensure that it meets the relevant requirements.
  - As with the rest of the entire Manor Buildings site (as indicated in para 3.11 of the Design and Access Statement) there should be restrictions and the applicant not be permitted any retail or wholesale sales and no advertisement and signage of cars for sale.

## **Planning appraisal**

- 20 The main planning considerations are:
- Principle of development and impact on the Green Belt
  - Impact on the character of the area
  - Impact to neighbouring amenity and future occupiers
  - Impact to highways and parking

## **Principle of development and impact on the Green Belt**

- 21 Policy LO1 of the Core Strategy states that new development should be focused within existing settlements. The application site is located outside of an existing settlement and policy LO8 of the Core Strategy is therefore relevant.
- 22 The proposal is located within the Green Belt, policy LO8 outlines how the Green Belt should be protected. As such compliance with the relevant national and local Green Belt policies will ascertain whether the proposal is acceptable in principle.
- 23 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. The proposal relates to a proposed use of the land within the red-line boundary for the storage of motor vehicles, this parcel of land is adjacent to an area used for this purpose already. The application site, courtesy of the hardstanding and the use, is also considered to constitute previously developed land. In light of this the proposal does not

constitute inappropriate development in the Green Belt. The development would also preserve the openness of the Green Belt due to the use of the site being reversible, non-permanent, free from built form and transient in its nature. Moreover, the site is surrounded by other buildings and makes a negligible contribution to the openness of the Green Belt and to preventing encroachment into the open countryside.

- 24 This proposal would help support/sustain a rural enterprise in accordance with the NPPF and policy LO8 of the Core Strategy. Therefore, in addition to the reasons outlined above the proposal is considered to be acceptable in principle.

#### **Impact on the character of the area**

- 25 Policy EN1 of the ADMP requires proposed design to be compatible with the scale, height, materials and site coverage of the area.
- 26 The proposal is for the storage of vehicles, the surrounding site is already used for similar purposes and therefore the addition of this parcel to said use is not considered to result in a detrimental impact to the character of the area. Moreover, there is no built development and the use is transient and non-permanent by nature therefore the land can easily be return to its former use.

#### **Neighbouring Amenity & Future Occupiers**

- 27 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development and for neighbouring occupiers.
- 28 The proposal is not considered to result in a loss of amenity in terms of privacy, light, noise or smell for neighbouring residents and is therefore considered to accord with policy EN2 of the ADMP.

#### **Parking and Highways Impact**

- 29 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 30 The site has an existing access off Powder Mill Lane and the proposal does not propose to alter this. There is sufficient space for the storage of vehicles and there should be no loss of highway safety in the local area.

## **Other matters**

- 31 With regard to the restriction on use of the site for retail and wholesale purposes, as requested by the Parish Council, this would require a change of use and a separate application and is therefore not considered necessary. In terms of advertisements, this would be controlled by the Advertisement Regulations regime.

## **Conclusion**

- 32 The proposal is acceptable in principle and in terms of Green Belt development. The proposals also preserve the character of the area and there will be no loss of amenity for neighbouring residents. It is therefore considered that the proposals accord with the council's development plan and subject to conditions is recommended approval.

It is recommended that the application be approved.

## **Background papers**

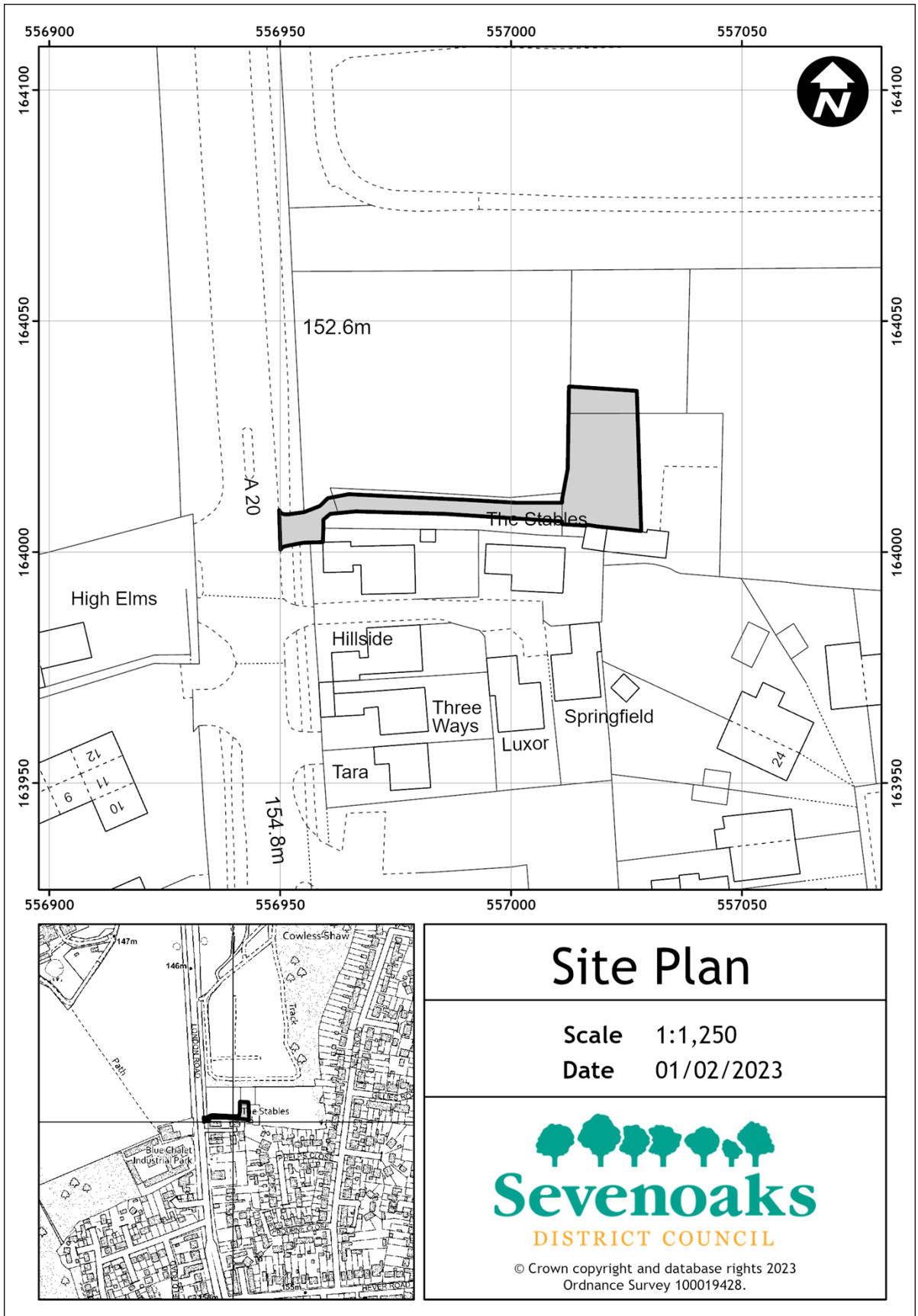
Site and block plan

Contact Officer(s): Ashley Bidwell 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
Date 01/02/2023



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Ordnance Survey 100019428.

