

4.3 23/00767/FUL

Date expired 24 May 2023

Proposal: Demolition of existing dwelling and erection of replacement dwelling.

Location: The Tally Ho, Main Road, Knockholt Sevenoaks Kent TN14 7NT

Ward(s): Halstead, Knockholt & Badgers Mount

### Item for decision

Cllr Williamson has referred the application to Development Management Committee to consider the impact of the replacement dwelling upon the street scene.

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: 226702 - 01 RevC, 04 RevC, 05 RevC, 05A RevA, B01 RevA, X01 RevC

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

3) No development shall be carried out on the land until the applicant, their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Council.

To secure the examination and recording of building features of historic and/or archaeological interest as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan (for TPO 09, 2022) in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until protection measures detailed in the Tree Protection Plan have been implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment,

machinery and surplus materials have been moved from the site.

To secure the retention of the TPO and to safeguard its visual amenity and long-term health as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall be carried out above damp proof course of the dwelling hereby approved until 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, plants to be retained and new planting),
- written specifications (including cultivation and other operations associated with plant and grass establishment),
- schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and
- a programme of implementation.

All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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

6) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan. The approved details will be implemented and thereafter retained.

To ensure the proposed development enhances the biodiversity of the site/area in accordance with policy SP11 of the Core Strategy.

7) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and development Management Plan.

8) Prior to the commencement of works above damp proof course level, a schedule of materials detailing colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out

in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the site as supported by Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, C, D, E of that Order.

To preserve the character of the area and the openness of the Green Belt in accordance with policy EN1 and LO8 of the Allocations and Development Management Plan and Core Strategy respectively.

10) No external lighting shall be installed on the site or affixed to any buildings on site unless the local planning authority has first approved in writing first details of a layout plan with beam orientation, details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved scheme shall be carried out in accordance with the approved details and maintained thereafter. No further lighting shall be introduced into the site without the prior approval of the local planning authority.

In order to safeguard the visual amenity of the area in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11) The proposed dwelling hereby approved shall not be occupied until the existing dwelling known as the Tally Ho has been demolished and all resultant materials removed from the site.

In order to preserve the openness of the Green Belt in accordance with paragraph 149 of the NPPF.

### **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 of a former public house that has been converted into a single dwelling house. The site is located on the north-western side of Main Road within the parish of Knockholt. The site lies within the Metropolitan (Item No 4.3) 3

Green Belt and stands in extensive grounds, which are now used as a private garden. To the south-east side of the dwelling lies a TPO tree. The site is relatively flat with mature and dense trees and hedgerows to the northern, eastern and western boundaries.

### **Description of proposal**

- 2 It is proposed to demolish the existing dwelling known as the Tally Ho (the former public house) and construct a replacement dwelling towards the western side of the site.

### **Relevant planning history**

- 3 18/03116/FUL - Change of use of a public house to a dwelling and associated works to include an in-out access, fence and alterations to fenestration - APPEAL ALLOWED
- 4 21/00362/LDCPR - Proposed outbuilding - GRANT
- 5 21/00388/PAE - Prior notification of a single storey rear extension which extends 8.00m beyond the rear wall of the original dwelling house with a maximum height of 3.58m and eaves height of 2.50m - PRIOR APPROVAL GRANTED
- 6 21/00435/LDCPR - Rear, side extensions and roof extension - REFUSE
- 7 21/01711/LDCPR - Rear, side extensions and roof extension - APPEAL ALLOWED
- 8 21/00076/HOUSE - Erect a 2 metre high chain link fence along the boundary with Burlings lane - APPEAL ALLOWED
- 9 22/02123/FUL - Infill of previous public house car park to accommodate no2 x residential homes. - REFUSED (APPEAL PENDING)

### **Policies**

- 10 National Planning Policy Framework (NPPF)
- 11 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.
- 12 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.
- 13 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 14 Core Strategy (CS)
- SP1 Design of New Development and Conservation
  - LO1 Distribution of Development
  - LO8 The Countryside and Rural Economy
  - SP11 Biodiversity
- 15 Allocations and Development Management (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - GB4 Replacement Dwellings in the Green Belt
  - T2 Vehicle Parking
  - T3 Electric Vehicle Charging
- 16 Other
- Development in the Green Belt SPD
  - Sevenoaks Landscape Character Assessment (2017) - Knockholt and Halstead Wooded Downs area.

### **Constraints**

- 17 The relevant constraints apply:
- Metropolitan Green Belt
  - Tree Preservation Order - TPO 09/2022

### **Consultations**

#### Knockholt Parish Council:

- 18 “..We strongly object to this application of which the majority of our objections to the various previous application still remain valid for this application. We are surprised to see yet another attempt to redevelop this land.

- 19 We appreciate the Planning Officer has a list of previous applications for this entire site, but must draw attention to several significant omissions - due to the various names of some earlier and very significant applications.
- Believe the original floorspace should be that of the original building (public house) not the permission to convert to a dwelling.
  - Application 00/01251 (year 2000) refused for a detached garage on the basis it was inappropriate development in in the Green Belt.
- 20 We consider it to be entirely illogical for this application to be validated whilst the current appeal for 2 new build houses is still yet to be determined, the intentions behind this remain unclear, we would therefore ask the Planning officer to refuse this application pending the outcome of the current appeal.
- 21 It is with deep concern that the outbuilding that we have pointed out as being omitted from all previous applications is now being advertised on this application as an appealing feature.
- 22 There appears to be a contradiction on the Design and access statement that states that the family want to stay there, this makes us question how this can be the case as the house is currently up for sale.”

SDC Tree Officer:

- 23 My main concerns centre on the protected Oak tree located to the front of the site (TPO 09 of 2022). This tree is of high amenity value due to its size and location. At the time of inspection, it appeared to be in a sound and healthy condition. I have estimated that it requires a RPA of 12.96m. According to the proposed site plan, drawing no. 01, this tree is located 8.0m from the existing property. Any demolition works would be taking place within the RPA and could result in root severance. I therefore recommend that the developer provides further details as to how they propose to demolish the existing dwelling without damaging this valuable tree. This may involve engaging an arboricultural consultant. Should the developer be unable or unwilling to do this, I recommend that consent be denied.
- 24 *Officer note - Further correspondence with tree officer confirmed this matter can be addressed via a pre-commencement condition.*

SDC Environmental Health:

- 25 No comments.

KCC Archaeology:

- 26 The Tally Ho PH is identifiable on the 1st Ed OS map as the Royal Oak inn and seems to have been located on a major routeway and junction. It was probably a landmark guide building as well as serving the local community. The 1st Ed OS map also indicates a possible row of small dwellings and a possible Baptist chapel. Remains associated with the construction and use of this 19th century or earlier inn and community may survive on the site.
- 27 In view of the archaeological potential, I recommend including a Building Recording Condition.

Thames Water:

- 28 No comments to make.

National Gas Transmission:

- 29 An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to not affect any of National Gas Transmission plc's apparatus.

Scotia Gas Network:

- 30 Comments include standing advice, maps and guidance. No objections or comments received.

UK Power Networks:

- 31 Comments include standing advice, maps and guidance. No objections or comments received.

**Representations**

- 32 1 comment of support received:  
"This application would only enhance the green belt and have less impact on both neighbouring properties and amenities by way of space between dwellings. I fully support this well thought out application".

**Chief Planning Officer's appraisal**

- 33 The main planning consideration are:
- Principle of development in the Green Belt;
  - Impact on the character of the area;
  - Impact to neighbouring amenity and future occupiers;

- Impact to highways and parking;
- Biodiversity;
- Archaeology.

### Principle of development in the Green Belt

- 34 Legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.
- 35 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 also relevant. 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.
- 36 The proposal is for a replacement dwelling therefore policy GB4 of the Allocations and Development Management Plan is relevant, it states:
- 'Proposals to replace an existing dwelling within the Green Belt which would meet the following criteria will be permitted:*
- a) the existing dwelling is lawful and permanent in nature;*
  - b) the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;*
  - c) the proposal adheres to the "original" dwelling curtilage; and*
  - d) the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally).'*
- 37 The existing dwelling is lawful following an approved application to convert the building from a public house to the dwelling (ref: 18/03116/FUL). The building is in a reasonable condition and not in need of repair. The proposal fully complies with this part of policy GB4.
- 38 The impact of the proposal upon the openness of the Green Belt will be covered later in this report. As for whether the proposed dwelling adheres to the curtilage of the existing, whilst the dwelling is proposed to be located further to the west than the existing, the curtilage has been established under previous lawful development applications including most recently application 21/01711/LDCPR. The proposed dwelling is within this



curtilage and subsequently the development complies with this part of policy GB4.

39 With regard to the 50% uplift part of policy GB4, the floorspace of the original dwelling is that as approved under 18/03116/FUL. The definition for ‘Original Dwelling’ under the Allocations and Development Management Plan is: *“the dwelling as existing on 1st July 1948 even if the original dwellings has since been replaced. If no dwelling existed on that date, then “original” means the dwelling as first built after 1st July 1948”*.

40 The GEA calculations are as follows:

	GEA	Percentage increase to original dwelling
Original dwelling	247.40m <sup>2</sup>	N/A
Replacement dwelling	359.13m <sup>2</sup>	45.16%

41 The proposed dwelling under the 50% threshold of policy GB4 and therefore acceptable in terms of policy. An assessment regarding the impact on the openness of the Green Belt will be made later in the report.

42 Turning to the criteria under the National Planning Policy Framework, paragraph 149 concludes that the Local Planning Authority should regard to construction of new buildings as inappropriate development. Though it goes on to outline a number of exceptions with paragraph 149(d) being relevant to this application. It states: *“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 is for a replacement dwelling and thus is within the same use. As for materially larger, this assessment falls to local policy GB4 as outlined above. The replacement dwelling is larger than the existing, though it is within the 50% allowance of policy GB4 and therefore considered acceptable.

#### Assessment regarding the Openness of the Green Belt

43 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.

44 The National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722 - Revision date: 22 07 2019) sets out some of the factors that can be taken account of when assessing the potential impact of development on the openness of the Green Belt:

45 *“By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation”.*

46 With regard to the first bullet point the spatial impact of the proposal is considered reasonable as reviewed above against policy GB4 of the Allocations and Development Management Plan whereby the proposed dwelling is less than 50% larger than the original dwelling. As for visual impact, the proposal is for one dwelling in a plot where a dwelling already exists. Whilst the form and orientation would result in a visibly wider dwelling, it is sited further from the road and would have no greater visual impact. Moreover, the proposed dwelling is approximately the same height as the existing. The proposed dwelling would also sit reasonably within the moderately sized plot and would not appear visually bulky or obtrusive, nor would it feel cramped in. For these reasons the development is considered to be acceptable in terms of its impact upon the openness of the Green Belt.

47 As for the second bullet point, the dwelling would unquestionably have a degree of permanence. However, it replaces an already permanent dwelling and so the development is not considered to increase the harm to the Green Belt in this regard. Lastly, the degree of activity will be comparable to the existing, the development is not considered to increase the impact upon the openness of the Green Belt in this regard.

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

48 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 49 The wider application site forms part of the rural and verdant character of this part of Main Road which is sparsely populated with built development and lined with dense tree belts. It has a strong rural character. The application site is located to the south west of Knockholt village along a semi-rural lane (Main Road), it is within the Knockholt and Halstead Wooded Downs area Sevenoaks Landscape Character Assessment. The key characteristics of the Knockholt and Halstead Wooded Downs area that are relevant to the proposal are:
- *Narrow rural lanes contrast with the M25 corridor and other main roads which introduce noise and movement.*
  - *Mostly enclosed due to the extensive tree cover and high hedgerows.*
- 50 The proposal is for a two-storey dwelling with the first floor accommodation within the roofspace of the building, it features a hipped roof design with two modest projections to the front and a larger projection to the rear of the building. The dwelling is proposed to be constructed from brick with a clay tile roof. The proposed dwelling will measure 7.6m in height which is comparable to the existing dwelling. The fenestration design to the front of the dwelling, save for one larger rooflight, is reserved and traditional in character and scale, a greater proportion of glazing is located to the rear away from public view.
- 51 The proposed design and materials are considered to preserve the character of the area. With regard to the siting, the proposed dwelling will be orientated such that it will appear wider than the existing. However, it is located further from the road than the existing, which abuts the street. Consequently, any apparent/perceived increase in bulk and scale will be largely mitigated by the siting of the dwelling. Moreover, the siting further to the west will result in the dwelling being largely screened from view when travelling along the road - particularly towards Knockholt - by the boundary hedging and trees.
- 52 The proposed dwelling replaces an existing dwelling/former public house that has a character that positively contributes to the character of the area. The style of the existing building is sympathetic to the rural context of the area. However, it holds no statutory designation and its replacement is also sympathetic to the rural character of the landscape area and the locality.
- 53 In summary the proposed the proposed dwelling is considered to preserve the character of the area in accordance with policy EN1 of the Allocations and Development Management Plan.

- 54 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development and for neighbouring occupiers.
- 55 The application proposed replacement dwelling will be located some 50m+ from the boundary with the nearest neighbour (Royal Oak Cottage). This is greater than the existing and is considered to fully accord with policy EN2 in regard to preserving neighbour amenity.
- 56 In terms of amenity for future occupiers, the proposed dwelling accords with the nationally described space standards and is therefore acceptable in this regard. The proposed dwelling is further setback from the road than the existing, which in conjunction with the boundary vegetation, would ensure the occupiers are better protected from road noise than the existing. As for light, the design of the dwelling includes ample glazing for natural daylight. Due to the scale of the plot there is also a good amount of external amenity space.
- 57 The proposal is considered to comply with policy EN2 of the Allocations and Development Management Plan.

### **Parking and Highways Impact**

- 58 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 59 The application site benefits from an existing access, as such no new vehicular/pedestrian conflicts are being introduced and the development would not result in a loss of highway safety. The access has ample visibility for both directions along Main Road, there is ample off road parking for a three-bedroom property and there are adequate provisions for bin storage. The proposals therefore comply with policies EN1, T1, T2 and T3 of the Allocations and Development Management Plan.

### **Ecology and biodiversity**

- 60 Policy SP11 of the Core Strategy outlines the need for new development to maximise opportunities to build in features which are of benefit to biodiversity as part of good design. The application site has good potential to enhance biodiversity. Accordingly, an ecological enhancement condition has been included.

### **Archaeology**

- 61 Policy EN4 of the Allocations and Development Management Plan states that:
- 62 *“Where the application is located within, or would affect, an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate”*
- 63 The County Archaeological Officer has highlighted that the existing building has a historical and possible archaeological interest. They have however not objected and consider that the matter can be addressed via a Building Recording to keep a record of any findings. It is therefore considered that the development will accord with policy EN4 of the ADMP.

### **Very Special Circumstances**

- 64 Paragraph 148 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.
- 65 As the proposal is deemed appropriate, and suitable in terms of preserving openness very special circumstances are not required to outweigh any harm to the Green Belt. Nevertheless, it is noted that the existing dwelling does still benefit from permitted development rights and a combination of various extensions as detailed in the planning statement would result a dwelling with a notably larger floorspace (as measured externally) than the proposed dwelling. This application includes a restriction of permitted development rights to allow greater control over the scale of the dwelling in the interests of preserving the openness of the Green Belt. The Council does not and would not benefit from such control over the existing dwelling and thus it stands to reason the proposed dwelling could have a lesser impact on the openness of the Green Belt than the existing.

### **Other Issues**

- 66 As the proposed dwelling replaces an existing, but not on the same part of the site, it is paramount that the existing dwelling is removed to ensure there are not two dwellings on site at any one time. Consequently, a condition has been included to ensure the proposed dwelling is not occupied

until the former has been demolished. This is to preserve the openness of the Green Belt.

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

67 The proposed development is CIL Liable.

### **Conclusion**

68 The proposal is considered appropriate development in the Green Belt as it accords with policy GB4 of the Allocations and Development Management Plan. The proposed dwelling will preserve the character of the area and neighbour amenity, there will be no loss of highway safety and there are no matters that cannot be addressed by conditions. The proposed development therefore accords with policies EN1, EN2, T1, T2, and T3 of the Allocations and Development Management Plan, the NPPF, and adopted Supplementary Planning Guidance/Documents.

69 It is therefore recommended that this application is granted.

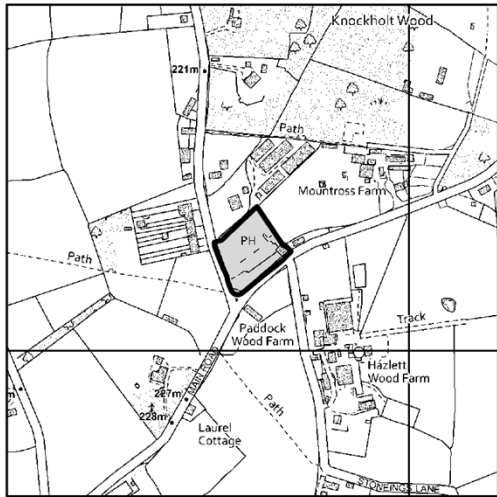
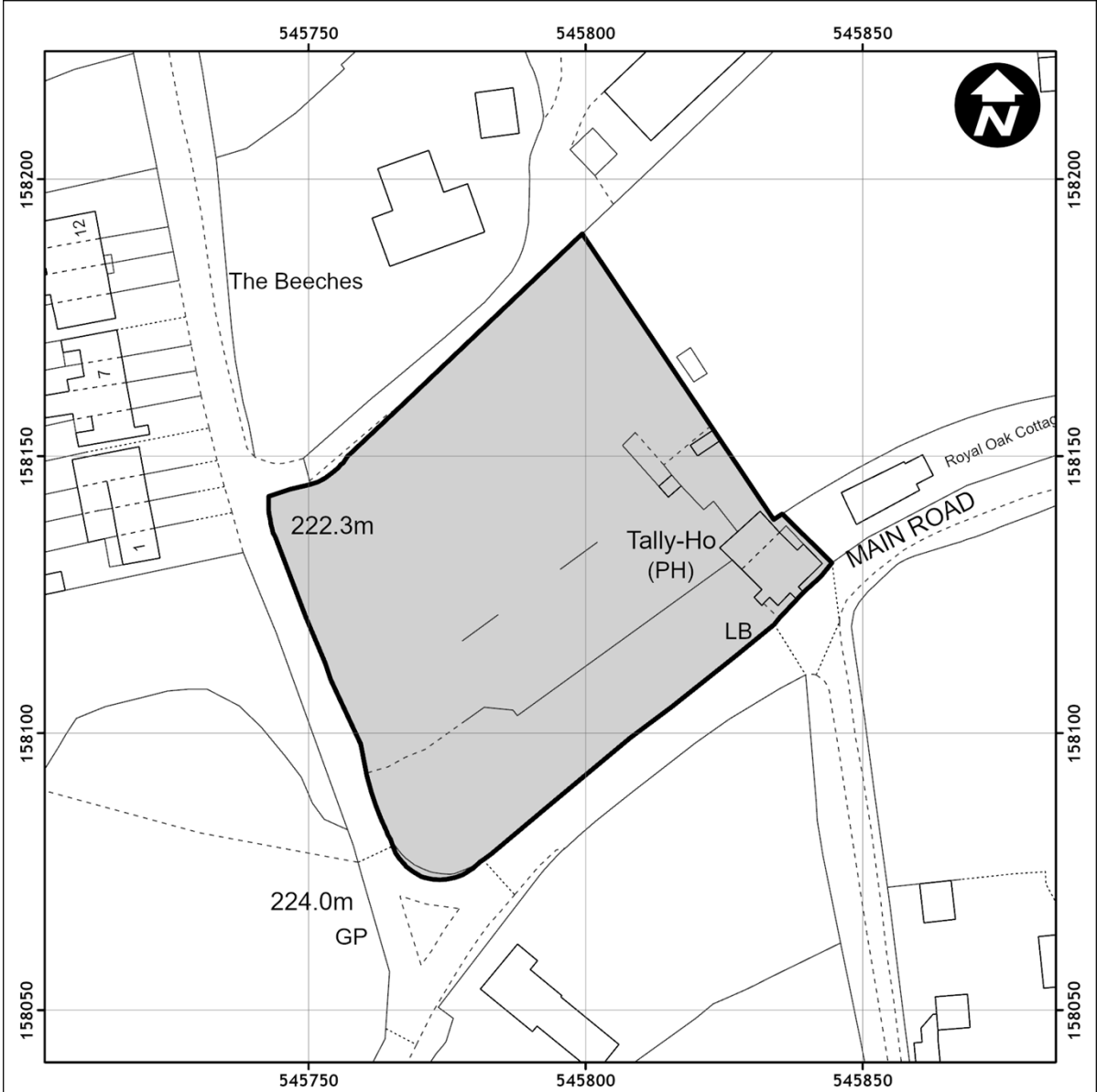
Contact Officer: Ashley Bidwell

01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
Date 01/06/2023



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Ordnance Survey 100019428.





# Location Plan

