

4.3 - 23/02516/FUL

Date expired 30 November 2023

Proposal:

Conversion of an existing barn to a 4 bedroom dwellinghouse incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, and creation of a new vehicular access. Removal of caravan and store unit.

Location:

Singles Cross Farm , Singles Cross Lane, Knockholt Kent TN14 7NG

Ward(s):

Halstead, Knockholt & Badgers Mount

#### **Item for decision**

This application has been called to Committee by Councillor Grint due to concern that the proposal would be inappropriate development in 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) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. COB/20/1098/202, 203, 205, 206 and SCF-PPC-00-XX-DR-C-600 (Rev P1).

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan Drawing No. COB/20/1098/ 202 and 203.

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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA or E of Part 1 of Schedule 2 to the said Order shall be carried out or made to the dwelling without the grant of planning permission by the local planning authority.

In order to protect the openness of the Metropolitan Green Belt in accordance with Policy GB7 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

5) The curtilage of the dwelling hereby approved shall be the land contained within the green line on the approved site plan (Drawing No. COB/20/1098/ 205).

To prevent inappropriate development within the Green Belt and encroachment into the countryside as supported by the National Planning Policy Framework.

6) No permanent development shall be carried out on the hardstanding or the land surrounding the garage up to the existing pole barn, as shown on the approved site plan (Drawing No. COB/20/1098/ 205).

To provide adequate vehicle access, turning and parking within the site and to preserve the openness of the Green Belt, in accordance with policy EN1, GB7 and T2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

7) Within 3 months of the first occupation of the dwelling hereby approved, the existing linked building to the stables and store unit shall be demolished and all resulting materials removed from the site; and the existing caravan shall be removed from the site. There shall be no other buildings on the site other than those indicated on the proposed site plan (Drawing no. COB/20/1098/ 205) hereby approved.

To preserve the openness of the Green Belt and to comply with the aims of the National Planning Policy Framework.

8) No external lighting shall be installed on the building or within the curtilage of the site other than in accordance with an external lighting design plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting should be designed to minimise light spill and should be downward facing and on motion sensors. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and will be maintained as such thereafter.

To ensure the development does not cause harm to protected species and preserves the character of the surrounding area, in accordance with policy SP11 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby approved shall be carried out in accordance with the noise mitigation measures set out in the Noise Impact Assessment dated June 2023 and produced by Pace Consult.

To protect the amenity of future occupiers, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

10) No development hereby approved shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components: 1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and the detailed risk assessment referred to in and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency

action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

11) Prior to first occupation of any part of the development hereby approved, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with the National Planning Policy Framework.

12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework.

13) No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

14) The development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved in writing by the local planning authority in consultation with the (water undertaker and) EA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises shall take place until the installed scheme is confirmed as meeting the agreed specifications (and connections are made to the foul sewer network).

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

15) No development hereby approved shall commence until a scheme for the disposal of contaminated run off from all hardstandings, manure heaps, stable washings and hay soaking areas has been submitted, approved and implemented to the satisfaction of the Local

Planning Authority. No contaminated run off shall be directed to a soakaway or any watercourse.

To prevent pollution of the water environment, in accordance with the National Planning Policy Framework.

16) Prior to the first occupation of any part of the development, the parking shown on Drawing No. COB/20/1098/ 205 shall be provided in full and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision in accordance with policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

17) The visibility splays for the new access shown on Drawing No. COB/20/1098/ 205 shall be maintained and shall be free from obstruction at all times.

In the interest of highway safety as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

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

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

19) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedge adjacent to Singles Cross Lane in accordance with BS5837:2012 Trees in Relation to Construction, shall be submitted to and approved in writing by the Local Planning Authority. The land so enclosed shall be kept clear of all contractors materials and machinery. 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 hedge during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

20) Prior to first occupation of the development hereby approved, details of hard and soft landscaping for the site have been submitted to and approved in writing by the local planning authority. The details shall include: 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. All soft landscaping shall be implemented not later than the first planting season following the first occupation of any part of the development. All hard surfaces shall be laid in accordance with the approved details prior to the first occupation of any part of the development.

To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

21) 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 preserve the character and appearance of the area and to comply with policy EN1 of the Allocations and Development Management Plan.

22) Prior to the commencement of the development hereby approved, details of how the development will protect and enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include mitigation measures to avoid any impacts upon protected species (including great crested newts, hazel dormouse, breeding birds, and nesting birds) and ecological enhancements including, but not limited to, the provision of bat boxes, bird boxes and native planting. The approved details shall be implemented and thereafter retained.

To ensure the development does not cause harm to protected species and provides benefits to biodiversity, as supported by Policy SP11 of Sevenoaks District Council's Core Strategy.

### **Informatives**

1) An appropriate Asbestos survey should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. Demolition must take into account the findings of this survey. It is also recommended that the Council's building control department is notified of the demolition.

2) Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

3) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this

highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

### **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 is located on the northern side of Singles Cross Lane, which falls within the parish of Knockholt. There are residential properties to the east and south of the site.

### **Description of proposal**

- 2 Conversion of an existing barn to a 4 bedroom dwellinghouse incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, and creation of a new vehicular access. Removal of caravan and store unit.

## Relevant planning history

- 3 90/00624/HIST - Retention of pole barn and parking area and continued use of land for livery purposes (renewal of limited period permission SE/84/1392) - GRANT - 27/06/1990
- 4 99/01787/FUL- Construction of all-weather riding arena (20m x 40m) – GRANT - 20/12/1999
- 5 19/00212/FUL - Conversion of an existing barn to a 4 bedroom dwelling house incorporating demolition in linked building, erection of garage with cycle store and associated landscaping, utilising existing vehicular access – GRANT - 26/04/2019
- 6 21/00658/FUL - Demolition of existing buildings and structures and their removal from the site, and erection of a new dwelling, stables and tractor shed with new access – REFUSE - 03/09/2021
- 7 22/00690/FUL - Demolition and removal of existing buildings, fuel tank and structures from the site (excluding some existing stables). Erection of a new dwelling, stables, store building and tractor sheds. Creation of visitor car parking. Associated landscaping – REFUSE - 21/09/2022

## 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 7 (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)

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles

- EN2 Amenity Protection
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- GB7 Re-use of a Building within the Green Belt
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of Electrical Vehicle Charging Points

11 Other

- Development in the Green Belt Supplementary Planning Document (SPD)

**Constraints**

12 The following constraints apply:

- Metropolitan Green Belt
- Adjacent to Ancient Woodland
- Adjacent to Tree Preservation Orders

**Consultations**

13 Knockholt Parish Council

14 First response:

Objection. "We note a key issue of the demolition of the Tyler barn in exchange for the new build house which is currently subject to appeal, this could therefore have a great impact on this modified application.

Furthermore, we note a number of changes from the original application to this 'resubmission'.

We note the new entrance has not been confirmed by an LDC as was requested at the time."

15 Second response following amendment:

No response received.

16 SDC Environmental Health

17 First response:

"No objection to this application but the following is recommended

18 Noise

19 The Noise Assessment submitted by PaceConsult dated 1st June 2023 has been reviewed. The methodology and findings of the report are accepted. Provided that appropriate mitigation measures are put in place, internal noise levels will be in accordance with those given in BS8233:2014. The recommended measures are contained in section 7.2 of the report and provide building and window/glazing specifications and also appropriate trickle vents. Noise levels in the proposed external amenity areas have also been assessed with levels being slightly in excess of the



maximum levels given in BS8233. Mitigation is recommended in section 7.3 and comprises of a solid barrier (2.8m high with a density of 13kg.m2) to be erected around the garden.

- 20 It is recommended that an appropriately worded condition is attached to any planning permission requiring these noise mitigation measures to be incorporated into the build and also put in place prior to any occupation.
- 21 Contamination
- 22 Due to current/past use of the buildings as for agriculture and as stables/storage, a contamination assessment is required. The assessment should follow a phased risk based approach staged approach. Phase 1 should include a desk based assessment including a risk assessment and conceptual site model. The findings of this will determine whether a Phase 2 intrusive investigation, any remediation, a Remediation Strategy and Closure Report are required.
- 23 Demolition and Construction Environmental Management Plan
- 24 It is recommended that a condition requiring a Demolition and Construction Environmental Management Plan is attached to any planning permission. This is to ensure that there is no detrimental impact on other dwellings in the vicinity during the demolition, groundworks and construction. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. There should be no burning whatsoever on site.
- 25 Asbestos
- 26 Prior to the demolition of the existing building an appropriate Asbestos survey should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. Demolition must take into account the findings of this survey. It is also recommended that the Council's building control department is notified of the demolition.
- 27 External Lighting
- 28 Being a fairly rural area, ambient lighting levels are likely to be low. Any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".
- 29 Second response following amendment:  
No additional comments
- 30 SDC Tree Officer  
"No objections to the proposal."

- 31 KCC Ecology
- 32 First response:
- 33 “We have commented on this site a number of times and most recently in July 2022 for application 22/00690/FUL. At that time we were satisfied that the ecological information was sufficient to inform the planning application.
- 34 However the ecological information is now over 2 years old and we advise that current pictures of the site are provided to enable us to consider if the ecological information is still valid or if an updated ecological survey is required.
- 35 If required the ecological survey will be required prior to determination of the planning application. We can provide more detailed advice on that requirement once the site photos have been provided.”
- 36 Further comments:
- 37 “We have commented on this site a number of times and most recently in July 2022 for application 22/00690/FUL. At that time we were satisfied that the ecological information was sufficient to inform the planning application however the survey data is now 2 years old and therefore we were concerned that the results may no longer be valid.
- 38 Photos provided by the planning officer have confirm that the site has not significantly changed since we previously commented on this application and therefore we advise that the following comments are broadly similar to those we provided for application 22/00690/FUL.
- 39 Summary
- 40 We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of mitigation and ecological enhancements is attached. Suggested wording is provided at the end of this document.
- 41 Protected Species
- 42 We have reviewed the submitted ecological report (Ecoassistance, March21) and have the following comments to make:
- 43 Bats
- 44 The Stables within the application site have been assessed as having low bat roosting suitability; all other buildings/structures and trees within the site have negligible potential.
- 45 The stables will therefore require a single bat emergence or re-entry survey to be carried out between mid-May and mid-September to establish presence or likely absence of roosting bats in line with current guidelines<sup>1</sup>. All bat species are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

46 Emergence surveys have been undertaken on the structure in question with a conclusion of likely absence (Ecoassistance, May21) and therefore, no further surveys or mitigation measures are required.

47 Great crested newts

48 We understand that GCN have been recorded within a pond within 50m of the proposed development site which has not been identified within the PEA. However due to the habitat within the proposed development being largely unsuitable for GCN we are satisfied that the impact on GCN can be avoid through the implementation of a precautionary mitigation strategy. We advise that this mitigation strategy is secured as a condition of any granted planning application; suggested wording is provided at the end of this document.

49 Other protected species

50 We note the precautionary mitigation measures for hazel dormouse, breeding birds, and reptiles and would advise that these measures are secured via planning condition; suggested wording is provided below:

51 Ecological Mitigation and Enhancements – Suggested condition wording:

“Prior to the commencement of the development hereby approved, details of how the development will protect and enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include mitigation measures to avoid any impacts upon protected species (including great crested newts, hazel dormouse, breeding birds, and nesting birds). This strategy will also include clear ecological enhancement including, but not limited to, the provision of bat boxes, bird boxes and native planting. The approved details shall be implemented and thereafter retained.”

52 Ecological Enhancements

53 The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes.

54 We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with paragraph 175 of the NPPF (2023): “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.

55 We advise that details of the ecological enhancements must be submitted as part of the ecological mitigation condition (wording above).

56 Lighting

57 Lighting can have a negative impact on biodiversity and therefore we recommend that if planning permission is granted any lighting is designed to minimise light spill. We recommend the following points are included within any condition for lighting:

- All lighting downward facing
- All lighting on motion sensors so it is only operational when required”

- 58 No additional response received following amendments.
- 59 KCC Highways
- 60 First response:
- “Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.”
- 61 Second response following amendment (via email correspondence):
- “Looking at the width of the lane I can’t imagine anyone driving at more than 25mph, so I think the 2.4m x 33m visibility splays are adequate.
- 62 Highways would have no objection to the proposal provided the visibility splays are covered by a Condition to maintain the splays in the future.”
- 63 Environment Agency
- 64 “Environment Agency position
- 65 There is a risk to controlled waters from activities on site however the information submitted is sufficient that we may remove our objection and recommend the following conditions be attached to any permission granted. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.
- 66 The site overlies a Principal Aquifer and is within an SPZ3. Application 22/00690 referred to fuel tanks being present on site.
- 67 The previous agricultural/industrial/commercial use of these buildings/land may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the change of use and/or development works proposed. In particular, investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.
- 68 Contamination Condition 1: No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- 69 1. A preliminary risk assessment which has identified:
- all previous uses;
  - potential contaminants associated with those uses;

- a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- 70 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 71 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 72 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
- 73 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
- 74 Condition 2: Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 75 Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.
- 76 Condition 3: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 77 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.
- 78 Drainage Drainage Strategy dated July 2023 and Drainage layout plan drawing SCF-PPC-00-XX-DR-C-0201 rev P2 details Foul water to be discharged to public mains sewer and surface water to an attenuation pond. Should the as built plans be as detailed by these documents then the Environment Agency would have no objection to the LPA discharging the recommended drainage conditions as below.
- 79 The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with

paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

- 80 Condition 4: No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 81 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.
- 82 Informative: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
- 83 Condition 5: Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved by, the local planning authority in consultation with the (water undertaker and) EA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications (and connections are made to the foul sewer network).
- 84 Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
- 85 Condition 6: No development approved by this permission shall be commenced until a scheme for the disposal of contaminated run off from all hardstandings, manure heaps, stable washings and hay soaking areas has been submitted, approved and implemented to the satisfaction of the Local Planning Authority. No contaminated run off shall be directed to soakaway or any watercourse.
- 86 Reason: To prevent pollution of the water environment.
- 87 Informative: Manure must be stored at least 10 metres away from any watercourse and sited in accordance with the "Code of Good Agricultural Practice for the Protection of Waters" in order that there is no risk of polluting run-off entering controlled waters and causing pollution.
- 88 It is good practice to collect horse manure along with bedding materials and store it as manure heaps or so called "temporary field heaps". Temporary field heaps should be sited where there is no risk of run-off polluting watercourses. They should be at least 10 metres from a watercourse and 50 metres from a well, spring or borehole that supplies water for human consumption or for use in farm dairies.

- 89 Permanent manure stores should have an impermeable base that slopes so that runoff can be collected easily in a sealed underground tank. The best option for the disposal of manure is spreading on land where it is of agricultural benefit. If you are spreading your own manure and effluent you need to be aware of limitations on landspreading and nitrates directive/ nutrient management scheme restrictions on amount of landspreading/ nitrates input on farm land.
- 90 Informative: Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.”
- 91 Forestry Commission  
Standing advice provided.
- 92 Kent Wildlife Trust  
No responses received.
- 93 Natural England  
No responses received.
- 94 Thames Water
- 95 First response:  
  
“Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.  
  
Should the details of the application change, we would welcome the opportunity to be re-consulted.”
- 96 No additional response received following amendment.

## **Representations**

- 97 We have received 3 letters of objection relating to the following issues:
- Not a resubmission of the original application, includes the area which was proposed for the house which was refused and dismissed at appeal
  - Drainage and contamination
  - Land overlies a major aquifer
  - Increased curtilage
  - New access
  - Impact on trees
  - Ecology
  - Red denotes curtilage and blue is land in possession

## Chief Planning Officer's appraisal

98 The main planning considerations are:

- Principle of development
- Impact on the Green Belt
- Design and impact on the character of the area
- Impact on residential amenities
- Noise and contamination
- Parking and Highways
- Trees and Landscaping
- Biodiversity
- Other issues

### Principle of development

- 99 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. Policy LO7 refers to development within rural settlements and states that these will be locations for small scale development. Elsewhere, development will only take place where it is compatible with policies to protect the Green Belt. Policy LO8 states that the extent of the Green Belt will be maintained.
- 100 The NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 150, certain forms of development are not considered inappropriate provided they preserve its openness and do not conflict with including land within it. This includes the re-use of a building.
- 101 Para 124 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.
- 102 The application site lies outside the settlement confines of Knockholt and is washed over by Green Belt. However, the development may meet the exception within the NPPF set out above relating to the re-use of a building. The development would also make more efficient use of the existing land for the delivery of housing.
- 103 In addition, it is noted that the conversion of the existing barn to a dwelling was granted under 19/00212/FUL. This consent has lapsed.
- 104 For these reasons, the principle of development may be accepted and supported on this site, subject to other considerations discussed below. The implications of the lack of a 5 year supply of land for housing in the Sevenoaks District is discussed further below, after it has been assessed whether the proposals conflict with the policies in the NPPF relating to protected areas, such as the Green Belt.

### Impact on the Green Belt

- 105 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the re-use of buildings provided that the buildings are of permanent and substantial construction. Paragraph 147 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.



- 106 Paragraph 148 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 principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 107 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 principle to the Green Belt from inappropriate development.
- 108 Assessment against policy and impact on openness
- 109 Conversion of existing barn to a dwelling
- 110 As mentioned above, the NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 150(d) certain forms of development are not inappropriate including “the re-use of buildings provided that the buildings are of permanent and substantial construction” and provided that the development preserves the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 111 Policy GB7 provides the local policy on the re-use of a building within the Green Belt. It states that proposals will be permitted if the following criteria is met:
- a) The proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
  - b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction that would detract from their original character.
- 112 Where the proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.
- 113 Based on the information submitted, the proposed conversion of the barn to a residential dwelling would not materially harm the openness of the Green Belt or conflict with the purposes of including the land within it when compared to the present use of the building. This is because there would be no change to the overall scale, form, footprint, bulk, volume or height of the barn as a result of the development. Externally, the development would see the introduction of window and door openings and Juliet balconies but these would not extend beyond the existing built footprint of the building. The northern elevation of the existing building is, at present, open which allows some visibility through the building. This elevation would be enclosed as part of the proposals. However, for the reasons already set out above, it is my view that there would not be an increase in harm to the openness of the Green Belt as a result of the building being of entirely solid construction.
- 114 The proposed garden amenity space, which extends up to the proposed garage, is modest and the associated landscaping would not introduce any significant bulk or

additional built form to the site. The proposed bin store would be viewed as part of the residential paraphernalia and would sit comfortably within the garden area of the proposed dwelling without having an adverse impact on the openness of the Green Belt.

- 115 It is also noted that the barn forms part of an existing cluster of buildings and, as such, its conversion would not appear to encroach upon the open fields or countryside beyond. The surrounding fields to the north, east and west would remain open and undeveloped. Therefore, it is considered that the visual impact of the conversion on the openness of the Green Belt would be limited.
- 116 There is the potential for additional paraphernalia to be introduced to the site in association with the proposed dwelling which could have an impact on openness. However, it is my view that this potential harm could be appropriately mitigated by a condition for the removal of permitted development rights for extensions and outbuildings to the proposed dwelling. This would enable the Council to control any future development at the site so that the openness of the Green Belt can be preserved.
- 117 I note that the curtilage of the dwelling, as approved in 2019, was smaller. It did not include the hardstanding to the front of the garage which extends up to the existing pole barn within the wider site. However, the hardstanding provides access to the proposed dwelling, the garage and parking. It also provides sufficient turning space within the site so that vehicles can enter and exit the site in a forward gear from the proposed new access. For these reasons, it is therefore necessary for this part of the land to be included within the curtilage. However, it should not be assumed that it can be developed. In this regard, a condition could be included to restrict any permanent development taking place on the area of hardstanding and the land surrounding the garage as indicated by the green line on the proposed site plan. This would ensure that sufficient space for vehicle turning and adequate vehicle parking can be maintained within the site at all times and, subsequently, protect the openness of the Green Belt from further development.
- 118 A structural assessment has been provided as part of the application. In summary, this document states that the building, i.e. the ground slab and main frame, is sound and not in need of major reconstruction and can remain standing as existing throughout the construction process. Having carried out a site visit, I am also satisfied that the building is of permanent and substantial construction and that the development would not require major or complete reconstruction of the building. It is noted that the conversion works would involve the recladding of the walls of the building and the installation of new roof tiles, as well as the creation of window and door openings. However, as set out in the officer's report for 2019 application and numerous appeal decisions, such works do not amount to major reconstruction. They are considered to be alterations to a building.
- 119 It is not considered necessary for the applicant to demonstrate that there is no longer an agricultural need for the building as aerial imagery available to the Council demonstrates that the existing building has been in situ for more than 10 years.
- 120 Overall, it can be concluded that the conversion of the barn to a residential dwelling would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal would therefore be appropriate development in the Green Belt by definition, in accordance with policy GB7 of the ADMP and the NPPF, subject to conditions.

- 121 Demolition of linked building, removal of caravan and store unit and erection of garage with cycle store
- 122 The application also proposes a detached garage which would be located more than 5 metres away from the converted barn. This would constitute a new building and would not meet any of the exceptions listed in paragraph 149 or 150 of the NPPF. The proposed garage would therefore be inappropriate development in the Green Belt by definition.
- 123 It is noted, however, that the building which adjoins the existing barn on site would be demolished as part of the proposals along with a store unit to the west of the barn. A caravan is also proposed to be removed. This is a material consideration which may amount to or contribute to a case for very special circumstances for the proposed garage. This issue is considered in more detail towards the end of this report.

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

- 124 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.
- 125 A new access is proposed to the west of the barn from Singles Cross Lane. Whilst this could be more intensive than the existing use of site, the overall appearance of the development would not be significantly different when viewed within the street scene.
- 126 The existing barn is of a simple form and character with little animation. Its design and form would appear typical of a building with agricultural origins and the building sits comfortably within its rural setting.
- 127 In the context of the wider area, the existing barn is located within an existing complex of agricultural and equestrian buildings. The barn is located on the northern side of Singles Cross Lane. There are residential properties immediately to the east of the site and there are other residential properties located to the south, along Blueberry Lane. The existing barn is partially visible in the street scene when approaching the site from the east and west of Singles Cross Lane. However, the site and the barn are largely screened by the existing landscaping along the southern boundary of the site. As such, the existing barn does not appear as an unduly dominant feature within the street scene and sits quietly amongst its surroundings. This would continue to be the case after the building is converted to a dwelling as there would be no change to the overall scale, form, bulk or height of the development that would significantly alter the visibility or prominence of the building within the street scene. The landscaping along the southern boundary would also be retained which would help to soften and screen the development from the lane. The proposed garage would be screened within the street scene by the intervening built form within the site.
- 128 In addition, it is considered that the works to convert the building into a dwelling would adequately respect the rural character of the site and the surrounding area. The converted building would appear residential, however, it would maintain a fairly simple design and appearance. The material palette, which would consist of grey slate roof tiles, black weatherboarding and white painted render, would respect the rural setting and the character and appearance of the surrounding residential properties. The amount of window and door openings and the use of glazing at high level would not go beyond that which would be reasonable expected for a residential building. As

such, it is considered that the dwelling would not appear as an unduly prominent or visually intrusive feature in the street scene.

- 129 As previously mentioned, the proposed garage would be of a simple design and form and a modest size. The roof of the garage would consist of plain clay roof tiles and the walls would be constructed of weatherboarding to match the converted the barn. This would create a visual link between the two buildings.
- 130 The parts of the site surrounding the converted barn, garage and garden area and the area leading up to the proposed new access, would be characterised predominantly by hardstanding to provide the associated parking, turning areas and driveway. This is to be expected given the residential use of the site. The surrounding residential properties along Singles Cross Lane, Blueberry Lane and Pound Lane all have their own accesses and driveways and are an established part of the rural landscape.
- 131 Details of external lighting could be secured by a condition to ensure that any lighting respects the rural setting and does not result in an excessive amount of light spillage.
- 132 In light of the above, it is considered that the design and appearance of the development would not have a detrimental impact on the character and appearance of the surrounding area and would comply with policy SP1 of the Core Strategy, policy EN1 of the ADMP and the NPPF.

### **Residential Amenity**

- 133 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.
- 134 Neighbouring properties
- 135 The proposed dwelling would be located a sufficient distance away from the immediate neighbouring properties to the east of the site, 6 and 7 Singles Cross Cottages (approx. 42 metres), and the residential properties to the south along Blueberry Lane (approx. 66 metres at the closest point). It is therefore considered that the proposed development would not result in a harmful loss of light, outlook or privacy to the main windows or private amenity areas of these properties.
- 136 Proposed development
- 137 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 138 The proposed internal layout and room sizes would be acceptable and would meet National Space Standards. The dwelling would provide satisfactory natural light from sunlight and daylight.
- 139 The surrounding garden area would be of a sufficient size to serve the recreational needs of future occupiers and the boundary treatments would ensure good levels of privacy.

140 Noise and disturbance

141 Paragraph 130 of the NPPF states that planning decisions should ensure a high standard of amenity for existing and future users.

142 Furthermore, paragraph 185 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

143 Policy EN7 states that proposals will be permitted where a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.

144 The proposed dwelling would be located in close proximity to existing stables and a sand school within the wider site, which in the future could come under different ownership. The application is accompanied by a noise impact assessment. The Council's Environmental Health team have reviewed the assessment and, provided that the proposed mitigation measures contained within the assessment are incorporated into the development, they raise no objection to the proposals and consider that the internal and external noise levels for the proposed dwelling would be adequate. The proposed mitigation measures can be secured by a condition.

145 Contamination

146 As land has been used for both agricultural and equestrian purposes, contaminants may have been introduced to the site. The Council's Environmental Health team have therefore recommended that a phased contamination assessment should be undertaken. An informative is also recommended regarding asbestos.

147 Notwithstanding the above, it is noted that the site is located on a principal aquifer and there could be risks to groundwater if drainage is not appropriately managed. The application is accompanied by a drainage strategy and layout plan which the Environment Agency have reviewed. They raise no objection to the proposal subject to a number of conditions relating to contamination investigations, unexpected contamination and drainage. A number of informatives are also recommended relating to these issues. The conditions and informatives are considered appropriate in order to ensure that the development would not pose any contamination risks and would not harm the amenities of future occupiers.

148 In light of all of the above, and subject to the recommended conditions, it is considered that the proposed development would preserve the amenities of surrounding neighbouring properties and would provide adequate amenities for future occupiers of the proposed dwelling, in accordance with policy EN2 and EN7 of the ADMP.

**Parking and Highways Impact**

149 Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 150 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 dwellings in this location with 4 bedrooms require 2 parking spaces.
- 151 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.
- 152 A new access is proposed from Singles Cross Lane. In my view, the provision of the new access and its use by one residential dwelling would not have a harmful impact on highways and pedestrian safety. The frequency of use of the access by one dwelling is likely to be low and there is sufficient space within the site for vehicles to manoeuvre so that they can enter and exit the site in a forward gear. The proposed site plan shows that there would be adequately visibility splays to the east and west of the access and the access would not be situated in close proximity to the road junction to the east. As such, vehicles could emerge onto the road safely and pedestrians should not be hidden from the view of drivers. The access would also be wide enough for a single width access serving one dwelling.
- 153 The proposed garage would provide sufficient space for the parking of two cars and it is noted that visitor parking is also proposed within the wider site. The provision and permanent retention of the proposed parking could be secured by a condition, along with details of an electric vehicle charging point.
- 154 It is noted that KCC Highways raise no objection to the proposal, subject to the visibility splays being secured by a condition.
- 155 The proposal would therefore comply with policy EN1, T2 and T3 of the ADMP and the NPPF, subject to conditions.

### **Trees and Landscaping**

- 156 There are no protected trees on site and no trees are proposed to be removed as part of the proposals. The proposed development would take place outside of the 15m buffer zone for the Ancient Woodland which is situated to the south west of the site and would not be in close proximity to any protected trees. The Council's Tree Officer raises no objection to the proposals.
- 157 As per the Officer's report for 2019 permission, tree protection measures for the hedge along the southern boundary of the site could be secured by a condition to ensure it is adequately protected during the construction stage and can be retained. In my view, the existing hedge contributes positively to the rural character of the area.
- 158 Full details of hard and soft landscaping across the site could also be secured by a condition to ensure that they adequately respect the character of the surrounding area.

### **Biodiversity**

- 159 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.
- 160 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Bat Emergency Survey, which KCC Ecology have reviewed alongside site visit

photographs. They consider the submitted information to be sufficient to demonstrate that the proposals would not have a harmful impact on protected species. They have recommended that the precautionary mitigation measures set out in the PEA for great crested newts, hazel dormouse and breeding birds be secured by a condition, along with ecological enhancements and details of external lighting. These are considered necessary to ensure that the development would not cause harm to protected species and can provide benefits to biodiversity.

161 The proposal would therefore comply with policy SP11 of the Core Strategy, subject to conditions.

### **Assessment of any Very Special Circumstances**

162 Para 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.

163 The harm in this case has been identified as:

- The harm in principle to the openness of the Green belt through inappropriate development (the proposed garage) which should be given significant weight.

164 Possible very special circumstances – these can be summarised as:

- The proposed development, due to the removal of existing buildings and structures on the site, would result in an overall reduction in built footprint and the spread of development across the site.

165 As previously mentioned, the proposed garage would constitute a new building and would not meet any of the exceptions listed within the NPPF. The proposed garage would therefore constitute inappropriate development, which is harmful to the openness in the Green Belt by definition.

166 However, the proposed garage could be justified by the removal of the building which adjoins the existing barn on site, along with the store unit to the west of the barn if, when viewed as a whole, the development would subsequently result in a reduction in built footprint and the spread of development across the site.

167 The building adjoining the existing barn on site and the store unit to the west would have a combined floor space of 39.46sqm. The proposed garage would have a floor space of 34.33sqm. The development would therefore result in a small reduction in built footprint on the site.

168 A caravan is also proposed to be removed. While this does not contribute towards the existing built form on site, it is acknowledged that its removal as part of the proposals would assist with reducing the spread of development across the site.

169 The demolition of the buildings and the removal of the caravan could be secured by a condition.

170 The proposed development, when considered as a whole, would therefore consolidate the built form on site and result in an overall reduction in built footprint.

171 It is therefore concluded that the case for very special circumstances would clearly outweigh the harm to the Green Belt identified in this instance.

#### Other issues

172 Parish Council and Public Comments

173 Concerns raised by the parish council and during public consultation which have not already been addressed within the report are considered below.

174 The implication of 22/00690/FUL, which is currently at appeal

175 22/00690/FUL sought the demolition and removal of existing buildings, fuel tank and structures from the site (excluding some existing stables); and erection of a new dwelling, stables, store building and tractor sheds; creation of visitor car parking; and associated landscaping. This application was refused and is currently at appeal. The Parish Council consider that this could have an impact on the current application.

176 The application at appeal relates to the redevelopment of the wider site and the creation of a new dwelling, which is a completely different proposal to this current application. Different green belt policies apply and therefore the appeal is not comparable. The possibility that a new dwelling could be erected on the wider site, if 22/00690/FUL were to be allowed at appeal, would not be an appropriate planning reason for refusing the current application.

177 There have been a number of changes from the original application to this 'resubmission'

178 The changes following the grant of the 2019 application are the creation of a new vehicular access to the west of the existing barn and the removal of a caravan and store unit. These have been considered within the report above. It is noted that public comments have referred to a change in the size of the curtilage of the proposed dwelling. However, as already mentioned, the curtilage of the dwelling can be controlled by a condition.

179 The new entrance has not been confirmed by an LDC as was requested at the time

180 The proposal description has been amended during the course of the application to include the creation of the new access to the west of the existing barn. The applicant is not seeking to demonstrate that it is a lawful, existing access and therefore an LDC, or evidence to demonstrate lawfulness, is not required in this instance. The acceptability of the new access has been assessed against local and national planning policies.

181 The application includes the area which was proposed for the house which was refused and currently at appeal

182 The location plans include the land and buildings relating to 22/00690/FUL within the red line boundary of ownership. However, the development does not relate to this part of the site.

183 Increased curtilage- red donates curtilage and blue is land in possession

184 The red line boundary on the submitted plans does not represent the curtilage of the proposed dwelling. It indicates the land within the application site that is in ownership



of the applicant. The blue land includes other land that is in ownership of the applicant but not within the application site.

185 As previously mentioned, the curtilage of the proposed dwelling can be controlled by a condition so that it does not include all of the land within the red line boundary, only the land that is closely associated with the new dwelling, similar to the 2019 application, as indicated by the green line on the proposed site plan.

186 Ownership issues

187 Concern has been raised during the course of the application by a local ward member regarding ownership. They have raised that the land adjacent to the stables may not be within the ownership of the applicant. The applicant has signed Certificate A within the submitted application form which indicates that they own all of the land within the red line boundary. I have not been presented with any evidence to demonstrate otherwise. It should be noted that no works are proposed to the eastern side of the stables in any event.

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

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

### **Planning balance and Conclusion**

189 As the Council cannot demonstrate a 5 year housing supply at this time, the 'tilted balance' of NPPF paragraph 11d) is engaged. This means, in this instance, that planning permission should be granted unless there adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

190 The proposal would make a welcome contribution to the District's Housing Stock, which is supported by the Council's policies.

191 Other issues within consultation responses can be dealt with by planning conditions. This is compliant with the aims of the Government's Planning Practice Guidance. It states "...conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."

192 The case for very special circumstances would clearly outweigh the harm identified to the Green Belt and, in every other respect, the proposal would be an acceptable form of development and would comply with local and national policies, subject to the recommended conditions.

### **Recommendation**

193 It is therefore recommended that this application is granted.

**Background papers**

Site and block plan

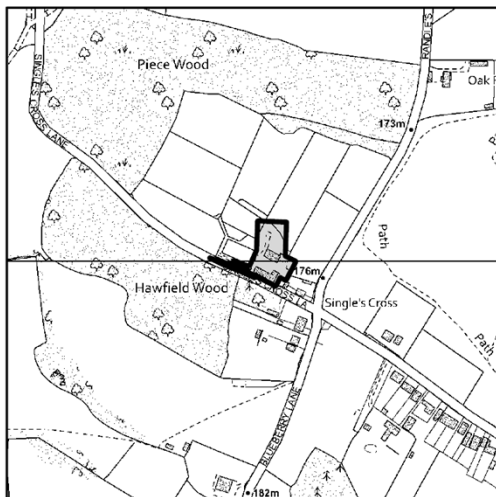
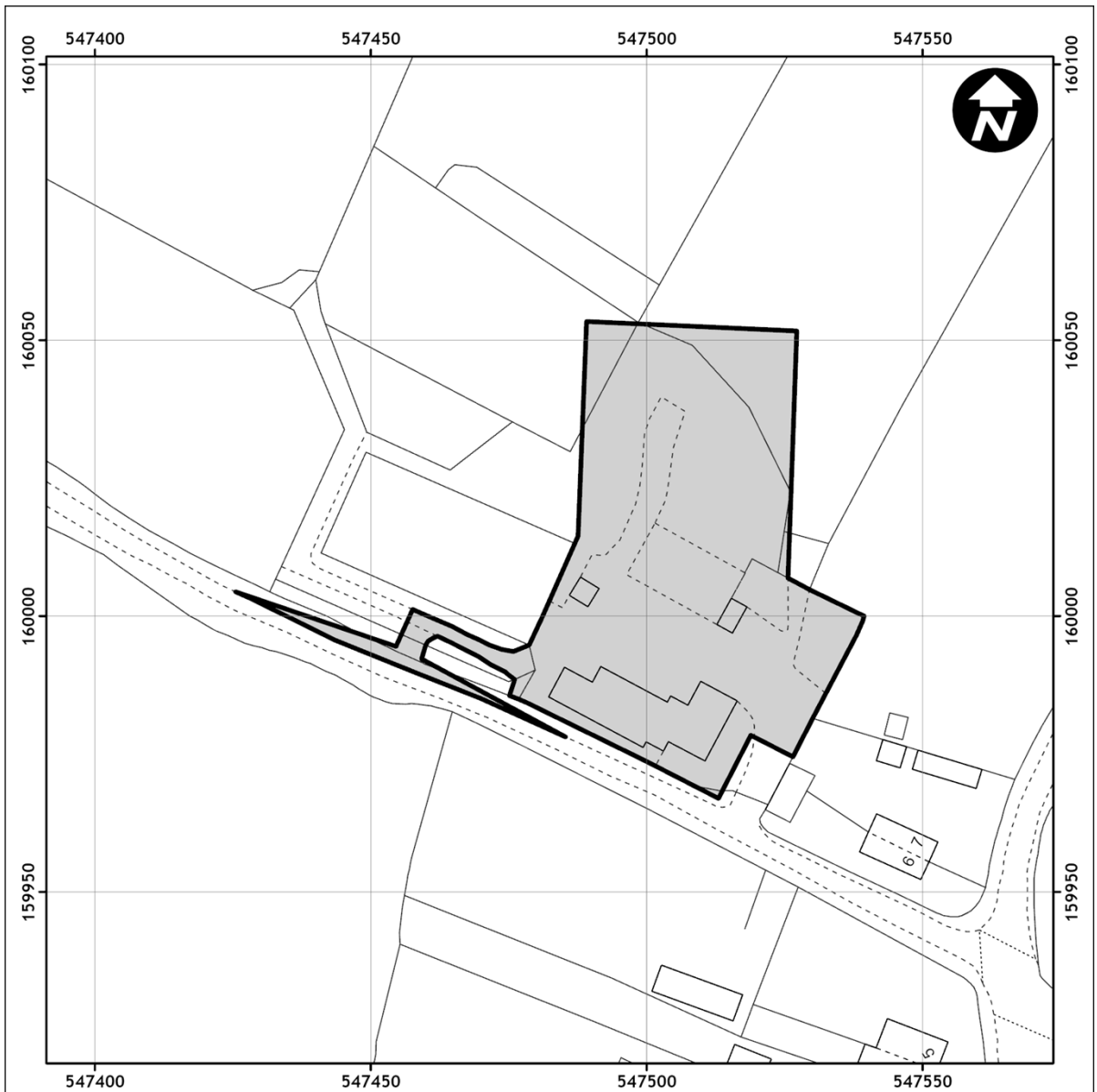
Contact Officer(s):

Hayley Nixon: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250

Date 06/12/2023



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Ordnance Survey AC0000822250

# BLOCK PLAN

