

5.03 - SE/12/00379/VAR106 Date expired 5 April 2012

PROPOSAL: Application to modify Section 106 agreement reference 94/00821/HIST dated 13th October 1994 to allow erection of further fencing.

LOCATION: East Wing Paddock, East Wing, Knotley Hall, Tonbridge Road, Chiddingstone Causeway, Kent TN11 8JH

WARD(S): Leigh & Chiddingstone Causeway

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Alison Cook, who considers that the proposal complies with Policy L08 of the Core Strategy and will not harm the openness of the Green Belt or the overall setting of Knotley Hall.

RECOMMENDATION: That planning permission be REFUSED for the following reason:-

- 1) The proposed fencing would harm the open character and appearance of the land and would conflict with the provisions of Policy EN1 of the Sevenoaks District Plan and Policy SP1 from the Sevenoaks Core Strategy.

Description of Site

- 1 The application site is located to the rear (south) of the Knotley Hall estate, Chiddingstone Causeway, on land currently used as a paddock.

Description of Proposal

- 2 It is proposed to divide the north western part of the paddock by using new fencing. The divided part will create a separate paddock for the 'head masters' house, and the 'S Wing' house.
- 3 The proposed fencing will be 1.1m timber posts (sited 3.4m apart) with single wire and mesh. Two gates will also be located along the southern boundary fence.
- 4 The applicants have indicated that the fencing is intended to enable them to keep sheep and hens on the land. They have no plans for any structures on the paddock land.
- 5 A S106 agreement for the original application to convert to residential covered the land in question and included the following:

'The applicants have agreed that in the consideration of the grant of planning permission for the proposed development they will maintain the openness of the amenity area to the south of the main complex of buildings on the Land'

As part of this, the applicants agreed to:

'Not cause or permit the erection of any walls or fences...on the Amenity Land or to permit the sub division by any other means of the Amenity Land without the prior written agreement of the Council.'

Constraints:

6 Metropolitan Green Belt

Policies

South East Regional Plan

7 Policy - CC6

Sevenoaks District Local Plan

8 Policy - EN1

Sevenoaks District Core Strategy

9 Policies - SP1, L08, SP10

Planning history

10 94/00821/HIST Conversion of hall, north wing, science block, classroom and stables to form 9 dwellings as amended plans received with letter dated 1.8.94 Granted.

95/00206/HIST Conversion of Knotley Hall into 3 dwellings and erection of garages, as amended. Granted

SE/10/03519/FUL Erection of fencing following division of paddock at rear of Knotley Hall. Refused

Leigh Parish Council Comments

11 Leigh Parish Council has no objection to this application.

Consultations

12 None

Representations

13 None

Group Manager - Planning Appraisal

14 The main considerations of this application are:

The impact upon the character and appearance of the landscape

15 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states the design should be in harmony with adjoining

buildings, and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.

- 16 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states '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 L08 of the Core Strategy states that the 'countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.'
- 17 Policy L08 of the Core Strategy states that 'The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.'
- 18 Finally, Policy SP10 of the Core Strategy addresses open space provision, and states that 'A Green Infrastructure Network will be developed of accessible multi functional green space, primarily based on maintaining and linking existing areas of open space.
- 19 Open space, sport and recreation facilities, including indoor sports facilities of value to the local community will be retained'.

(For the purposes of this policy 'open space' includes 'natural and semi natural open space)
- 20 The land in question was originally designated as 'pasture land to be retained as open space under S106 agreement' on the approved plans of 94/00821/HIST. As part of the planning approval (as detailed above) the agreed S106 stated that no boundary walls or fences shall be erected on the site without the written approval of the Local Planning Authority.
- 21 The intention is therefore clear that the land in question is of value and should maintain an open character.
- 22 In 1995 the S106 agreement was varied through an alternative permission, which granted a fence to be erected from the northern side of the site to the boundary at the southern end. The case officer concluded that the proposal would not materially affect the open character or appearance of the land, as it is to the east and less well related to Knotley Hall.
- 23 The current application proposes to further divide the land into small paddocks (approximately 19m x 36 and 39m x 35). It is considered that the creation of these proposed small paddocks is materially different from the above approval and will alter the open character of the land. It will also set an unwelcome precedent for the further erosion of the open remaining space and the appearance of the land.
- 24 This application has amended the design of the fencing, from the previous proposed timber fencing 1.25m posts (at a gap of 2.75m) to the proposed wire and mesh design.
- 25 Whilst it could be argued with that the current design of fence is less solid and therefore less obvious visually in the landscape, it is not considered that the design of fence is the issue. Rather, it is the principle of the subdivision of the

paddock into small areas that will alter the open character of the paddock to its detriment, and that would be contrary to the reason for the S106 agreement above.

- 26 The applicant intends to use the land to enable them to keep sheep and hens on the land. Whilst they have no plans for further structures, there is potential for additional structures/pens for the animals' welfare which again may detract from the open character of the land and setting of Knotley Hall.
- 27 It is therefore considered that the proposal would not comply with the provisions of the above policies.

Conclusion

- 28 In summary, it is considered that the proposed fencing would harm the open character and appearance of the land and would conflict with the provisions of Policy EN1 of the Sevenoaks District Plan and Policy SP1 from the Sevenoaks Core Strategy. My recommendation is therefore that planning permission be refused.

Contact Officer(s): Ben Phillips Extension: 7387

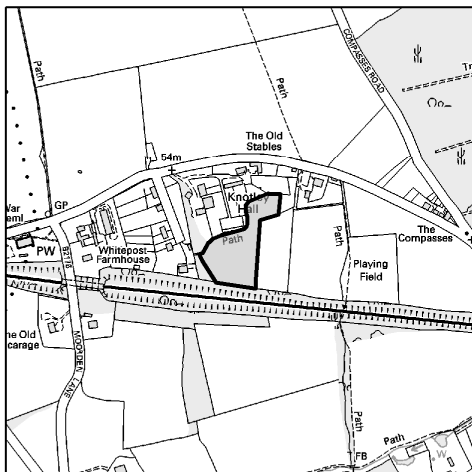
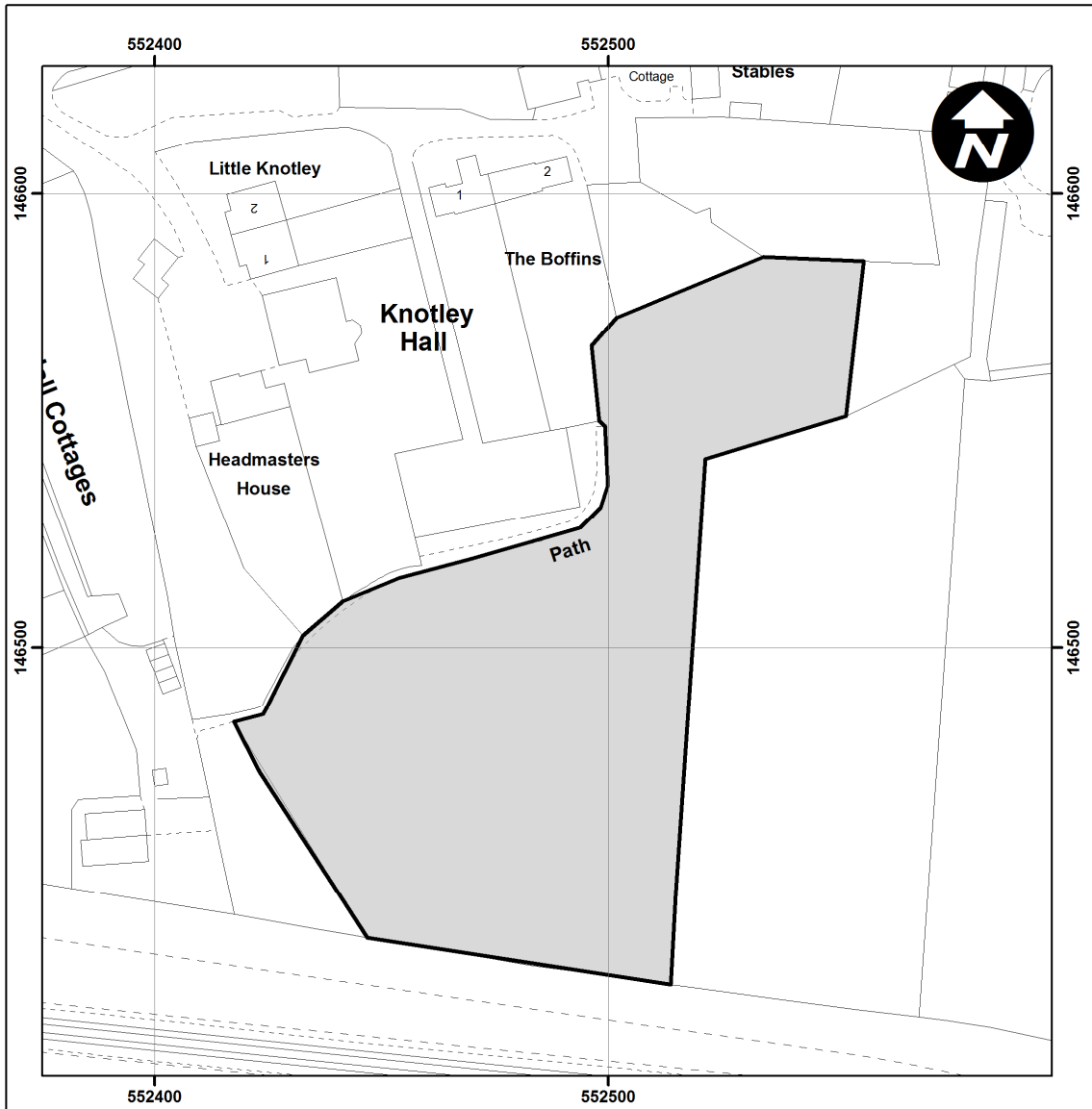
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LZ6D1DBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LZ6D1DBK0CR00>



Site Plan

Scale 1:1,250
Date 21.12.2011



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