

3.2- SE/12/01617/FUL Date expired 16 August 2012

PROPOSAL: Change of use of South Barn from equestrian use to B1 business use (retrospective)

LOCATION: Cold Harbour Farm, Wood Street, Swanley Kent BR8 7PA

WARD(S): Swanley Christchurch & Swanley Village

#### ITEM FOR DECISION

This item has been referred to the Development Control Committee by Councillor Brookbank to consider the issues of impact upon the surrounding Green Belt and visual amenities of the adjacent Conservation Area.

**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 materials to be used in the construction of the development shall be those indicated on the approved plan 1957/5A.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Prior to the commencement of the proposed use, the parking spaces shown on drawing reference 1957/6A rev 09/12 shall be provided and maintained for parking permanently thereafter. Details shall be provided to and be approved in writing by the Local Planning Authority of the surfacing proposed for the parking spaces 6 -9 and associated turning area, as shown on drawing reference 1957/6A (received 1.10.12) prior to the commencement of works. The scheme shall be implemented in accordance with the approved details.

To ensure adequate off street parking in accordance with the provisions of policies EN1 and VP1 of the Sevenoaks District Local Plan.

4) The scheme is required to achieve BREEAM Very Good standards and prior to the first use of the site details shall be submitted in writing to and be approved in writing by the Local Planning Authority to demonstrate that these standards have been achieved.

To ensure a sustainable form of development and to comply with policy SP2 of the Sevenoaks Core Strategy.

5) The landscaping shown on drawing number 1957/6A shall be planted during the first available planting season following the commencement of development hereby approved. Any plants that die within 5 years of being planted shall be replaced with a species, of a size and in a location to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance to the completed scheme in accordance with the

provisions of policy EN1 of the Sevenoaks District Local Plan.

6) Works to the building hereby approved shall be carried out in accordance with the approved plans and the building shall be used only for uses falling within Use Class B1 and no external changes or change of use shall take place without the prior written approval of the Local Planning Authority, including any changes permitted by the Town & Country Planning (General Permitted Development) Order (or any subsequent amendments).

To ensure a satisfactory impact upon the surrounding Green Belt and adjacent Conservation Area in accordance with the provisions of the National Planning Policy Framework.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 1957/1,2B rev 10/12,3,4A rev 08/12,5A rev 08/12,6A, 1957/6A (rec'd 4.10.12), rev 09/12,

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

**In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:**

The South East Plan 2009 - Policies SP5, T1, T4, BE6 & RE3

Sevenoaks District Local Plan - Policies EN1 & VP1

Sevenoaks District Core Strategy 2011 - Policies LO8, SP1, SP2 & SP8

**The following is a summary of the main reasons for the decision:**

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development is considered to be appropriate development within the Metropolitan Green Belt.

#### Description of Proposal

- 1 The retrospective change of use of South Barn from equestrian use to B1 Business Use.
- 2 The existing barn was approved in 2001 as part of a larger scheme including the erection of a stable block, sand school and new vehicular access. Its use was for the storage of jumps, trailers, tack and other equine equipment.
- 3 This application seeks a retrospective change of use to a B1 Business Use. The applicant advises that a change of use to a B1 use has already taken place and that since May 2008 a wine import/export business has operated from this building. We are advised that this business employs 2 people and currently uses 2 car spaces and 1 van space.

- 4 This current application seeks to formalise the change of use of the premises to allow an existing business owned by the new owner of Coldharbour Farm which currently operates out of the Blue Chalet industrial Estate in West Kingsdown to move to this site.
- 5 The business proposed entails the testing of oil from facilities such as power stations to determine any potential problems with the equipment (gases are extracted from the oil from which it is possible to diagnose problems). The oil samples are delivered on average once per day by van. Small amounts of oil are kept on the premises and waste oil is collected once every 6 months by a waste collection agent. The company employs 5 people. We are advised that at present two employees would be able to walk to work whilst one lives next door. In addition to the above vehicular movements equipment is serviced every month and other visitors to the site would be anticipated to be approximately 2 – 3 times per week. Total traffic movements are anticipated to be 4-6 per day. Hours of work would be 9-5 Mondays to Fridays with the occasional emergency work necessary.
- 6 Sufficient car parking would be provided for 11 Cars with sufficient turning space within the site to enable access to the highway in a forward direction.
- 7 Externally the barn will be re-clad with timber weatherboarding and profile sheet roofing with new windows in grey. The front and rear elevations will be re clad and timber barn doors will be added. In all a more traditional appearance than this barn currently enjoys. The car park will be surfaced with either bonded gravel or granite setts and a new sliding gate will be installed across the access to the site – which is set back from Wood Street by a minimum of 7m.

#### Description of Site

- 8 The site lies in the countryside to the north west of Wood Street. It lies between two other commercial buildings (previously converted agricultural and stable buildings) in a small complex sitting close to the public highway. An existing vehicular access into the site is shared with the adjacent B1 units. The site sits alongside a public footpath on land that rises uphill from the west.

#### Constraints

- 9 Green Belt, edge of the adjacent Conservation Area

#### Policies

##### *South East Plan:*

- 10 Policies - SP5 T1 T4 BE6 RE3

##### *Sevenoaks District Local Plan*

- 11 Policies - EN1 VP1

##### *Core Strategy:*

- 12 Policies -L08 SP1 SP2 SP8

## Relevant Planning History

- 13 SE/03/01641/FUL Application to remove/vary conditions including those restricting the commercial use of this site. Refused and partially allowed on appeal: the Inspector attached a replacement condition allowing the use of the stables for livery purposes but preventing their use for the hiring of horses or as a riding school on the basis that such uses would need to be considered in terms of their impact on visual amenities of the area and potential highways impact.
- 14 SE/03/00219/REM Replacement stable block and barn with vehicular access  
Granted
- 15 SE/01/01913/OUT Replacement dwelling and other buildings including replacement stables, barn and sandschool. Granted

## Consultations

### *KCC Highways*

- 16 This proposal has been considered and assessed against the previously permitted use of the site and the following should be noted:

Whilst a B1 use has the potential to generate a small increase in vehicle movements when compared to the previous ancillary equestrian storage use, there is likely to be an associated decrease in potential HGV or other larger vehicle movements to and from the site with this use. Furthermore, the means and scale of site access secured for the previous use dictates that the access is suitable for the type of vehicles associated with the proposed B1 use. Also, the adjacent larger site to the north which is served by the same access onto the highway network has a permitted B1 use with no objection having been raised by KCC highways to the means of access at the time that the permission was granted.

I would therefore not wish to raise a highway objection to the principle of a B1 use at this site served from the existing access. However, it is noted that the proposed on-site parking provision is more reflective of a storage type use than that of a B1 use which, for a building of this size equates to a maximum of 11 spaces which is well in excess of that being offered. It is also noted however, that scope appears to exist on site to provide significantly more formal car parking spaces than currently shown and it is therefore strongly recommended that the parking layout be reviewed and amended with a view to securing as close to the 11no. maximum space recommendation as possible.

### *Parish / Town Council*

- 17 The Town Council objects to this application as the site is situated within the Metropolitan Green Belt and adjacent to the Village Conservation Area. Further development will lead to a loss of visual amenities as well as being detrimental to Highways safety due to the potential for increased traffic.

The Town Council has regularly drawn attention to the proliferation of this site and this latest application is further continuation of that

## Representations

- 18 None received.

## Group Manager - Planning Appraisal

### Principal Issues

- 19 The main issues concern the principle of the change of use, impact upon the Green Belt, impact upon adjacent conservation area, neighbours amenities, highway safety and sustainability issues.

### *Principle of change of Use*

- 20 The site lies within the Green Belt and the National Planning Policy Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The re-use of buildings (provided the buildings are of permanent and substantial construction and that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt) is considered to be appropriate development. This policy is reflected at a local level in policy GB3A. That policy advises that the re-use of buildings can be permitted providing:

- the proposed use will not have a materially greater impact than the present use on the openness of the Green Belt;
- that the buildings are of permanent and substantial construction and that the form bulk and general design of the buildings are in keeping with their surroundings.

- 21 Core Strategy Policy LO8 is supportive of development that supports the maintenance and diversification of the rural economy including development for small scale business development. This policy recognises that the rural economy has traditionally relied upon agriculture but has increasingly diversified. The Council will support small scale development proposals that contribute to the diversification of the rural economy where these are compatible with policies to protect the countryside. In particular the Core Strategy advises that support will be given to business developments that re-use existing buildings and there will generally be a preference for commercial over residential development when considering changes of use for rural buildings.

- 22 It should also be noted that the NPPF *supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*

- 23 On this basis it is considered that the principle of the change of use is acceptable.

### *Impact upon Green Belt*

- 24 The impact of the proposal arises from the building itself and its impact upon the openness of the surrounding Green Belt, and the impact upon the character of the Green Belt as a result of the activity associated with the business.
- 25 The building is already in existence and the changes proposed to the external appearance would give it a more traditional feel that would not cause any greater harm to the openness or visual amenities of the Green Belt than the current building.

- 26 Although the wine import/export business has been in existence on this site for approximately 4 years that use is not yet a lawful use and an assessment of the impact of the proposed use should be compared to the approved use of the barn.
- 27 The proposed parking area largely utilises an existing area of hardstanding and this in itself would not impact upon the openness of the Green Belt. Clearly its use for parking would have some impact upon the openness of the Green Belt – albeit transient. Given the scale of the parking area proposed and the containment of this space largely between adjacent buildings, it is not considered that this would cause such visual harm to the character and openness of the surrounding Green Belt as to warrant a refusal of permission.
- 28 The use of the site for the storage of goods associated with an equestrian use of the site could undoubtedly have led to the use of the site by commercial vehicles and horse boxes but it is impossible to speculate as to the level of such traffic movements. The adjacent stables could lawfully have been used for livery which would have generated more traffic than their use by a single owner. However it is considered likely that the use now proposed would result in more traffic regularly accessing the site than would have been the case previously. However the original application ensured that the access would be sufficient for use by larger vehicles and such traffic as may need to visit this site could do so in a safe manner. It is anticipated that the level of traffic predicted to use the site would be able to access the site without causing significant impact upon the character of the surrounding countryside or Green Belt, compared to the existing use.

#### *Impact upon Conservation Area*

- 29 The site lies outside but adjacent to the Conservation Area (CA) boundary. The site lies on rising land that would make it visible from within the Conservation Area. However it already exists with a more utilitarian appearance than would result from the external works proposed. It is considered that the scheme would give the building a more traditional appearance that would be acceptable in terms of its impact upon the wider CA.
- 30 The area of hardstanding proposed for use for parking is already partially present and will be re-surfaced. An extended area of hardstanding is however proposed that would add further to the scope of built form in the immediate vicinity. This could be dealt with in a manner that would minimise the impact visually on the surrounding area i.e. a modular system such as grasscrete or similar. This area however would lie behind gates and fences and would have a minimal impact upon the adjacent Conservation Area.

#### *Neighbours Amenities*

- 31 The surrounding neighbours lie sufficiently far from the site that any direct impact upon their amenities should be avoided. A B1 use is also of course, by definition, a use that can be carried on in a residential area without causing harm to the neighbours amenities.

#### *Highways*

- 32 The plans have been amended to demonstrate sufficient on site parking and as can be seen from the County Highways assessment it is considered that the access itself would enable safe access and egress to/from the site. Other commercial uses lie in

close proximity to the site and appear to operate without causing any highway safety issues.

### *Sustainability*

- 33 The NPPF and local planning policies seek to ensure that new development is sustainably located. Whilst sites in locations such as this encourage unsustainable means of travel i.e. private car, equally they can provide more localised employment that prevents longer journeys. It is considered that this scheme would result in a relatively modest enterprise that would comply with the general approach to support the rural economy through the conversion of existing buildings.

### Other Issues

#### *Proliferation of development on this site*

- 34 This site has, over a period of some years, been the subject of a number of applications for the erection of rural buildings and outbuildings for which permission has subsequently been sought for a change of use. The erection of these buildings has undoubtedly led to a change of character and more intensive development of this site than was originally the case. However each such application has to be judged on its merits at the time the application is submitted and judged against then applicable policies, as has been discussed above.

### Access Issues

- 35 To be dealt with as part of any Building Regulations application.

### **Conclusion**

- 36 This site lies in the Green Belt and comprises changes of use and external appearance to an existing building to facilitate a B1 use. It is considered that the change of use sought and the impact upon the surrounding area is compliant with policies seeking to protect this area.

### **Background Papers**

#### Site Plan

Contact Officer(s): Lesley Westphal Extension: 7235

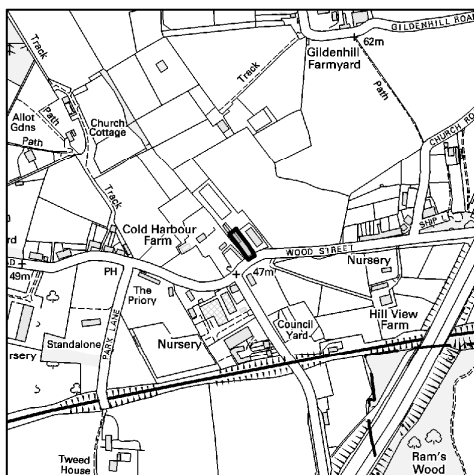
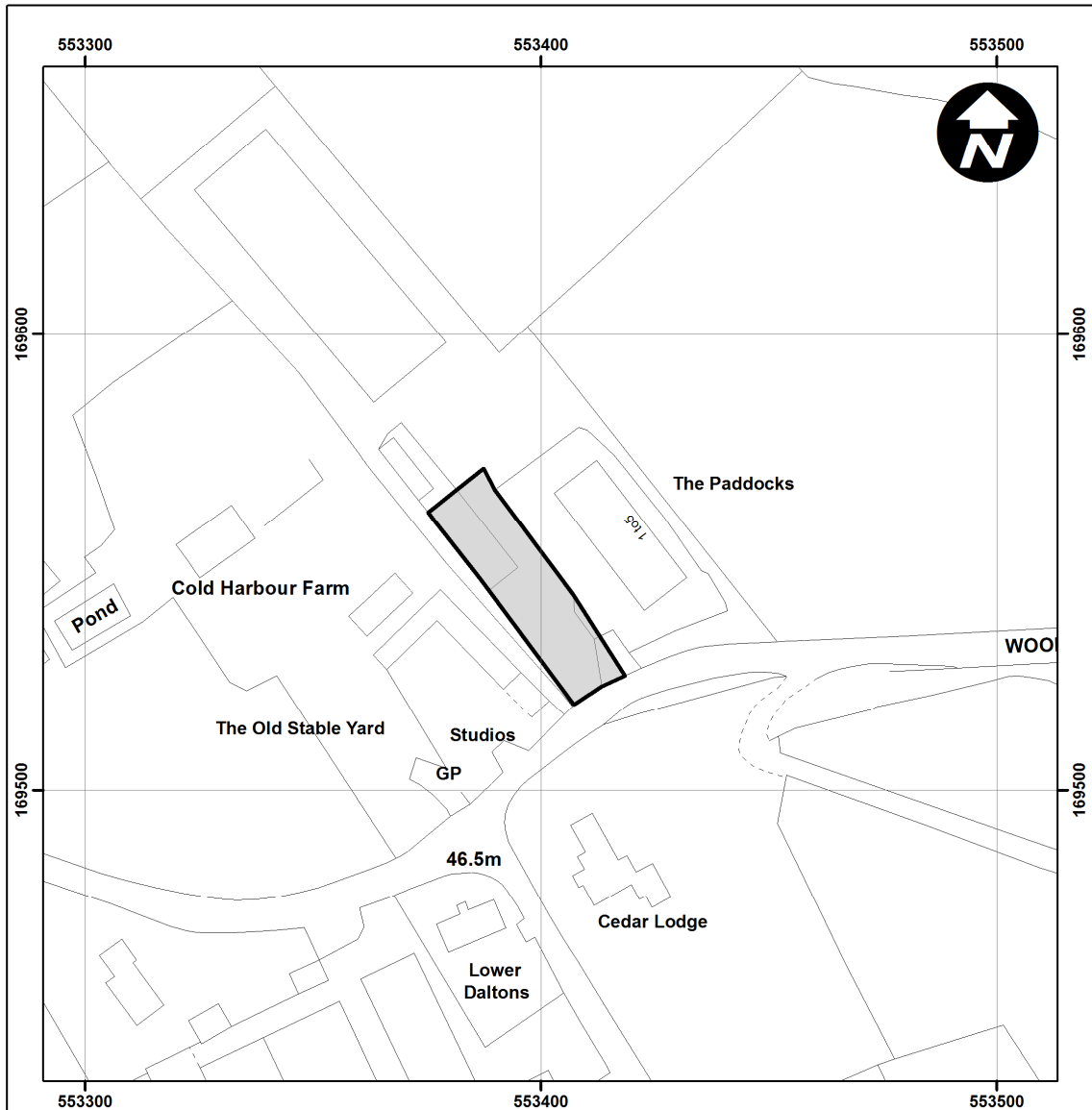
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5WM4NBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5WM4NBK8V000>



# Site Plan

Scale 1:1,250  
 Date 27.09.2012



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Block Plan

