

4.1 - SE/12/02560/FUL Date expired 23 November 2012

PROPOSAL: The erection of two bedroom detached, single storey dwelling with ancillary garage and access drive

LOCATION: Land Adj To Lane End, Sparepenny Lane, Eynsford DA4 OJJ

WARD(S): Eynsford

#### ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of Councillor Horwood, as he is of the view that the proposal would be an infill site and that the proposal is considered to add to the affordable housing stock that the village so desperately needs.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:-

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. No very special circumstances have been put forward in this case that clearly outweigh the harm to the Green Belt. In this respect the proposal is considered to conflict with policies SP5 of the South East Plan, policy L08 of the Sevenoaks Core Strategy and the advice and guidance in the National Planning Policy Framework 2012.

The land lies within an Area of Outstanding Natural Beauty. The proposal by way of loss of hedgerow, increase in activity and domestication of the site, would detract from the character, appearance and natural beauty of the area and the character of the protected landscape. This conflicts with policy C3 of the South East Plan, policy L08 of the Sevenoaks Core Strategy and the advice and guidance within the National Planning Policy Framework.

#### Description of Proposal

- 1 This application seeks permission for the erection of a two bedroom detached, single storey dwelling with ancillary garage and access drive. It is proposed that the dwelling would be located approximately 13m back from Sparepenny Lane and positioned centrally on the plot.

#### Description of Site

- 2 The application site relates to a rectangular parcel of land located adjacent to the dwelling know as Land End, Sparepenny Lane. The plot measures approximately 28m by 38m (at its widest point). The site is located close to the junction with Crockenhill Lane.
- 3 Sparepenny Lane is an attractive road, running along the lower part of the valley side above the River Darent and links the villages of Eynsford and Farningham. North from Lane End, the west side of Sparepenny Lane comprises a ribbon of

frontage dwellings but the east side is wholly undeveloped open grassland sloping down to the river. To the south east of the application site are large nursery glass houses and farm buildings and along Crockenhill Lane there is a loose pattern of sporadic dwellings.

- 4 The site is located in the Green Belt and within the Area of Outstanding Natural Beauty. The site is also located outside of the village of Eynsford.

#### Constraints

- 5 Green Belt  
6 Area of Outstanding Natural Beauty

#### Policies

##### *South East Regional Plan*

- 7 Policies - CC6, SP5

##### *Sevenoaks District Local Plan*

- 8 Policies - GB1, EN1, SP3

##### *Sevenoaks Core Strategy*

- 9 Policies - SP1, L08

#### *Other*

- 10 National Planning Policy Framework

#### Planning History

11	05/01836/OUT	Erection of detached 2 bed bungalow with garage.	REFUSE	19/09/2005
	04/01122/OUT	Outline planning permission for 2 bedroom bungalow with garage.	DECL	06/05/2004
	99/01461/FUL	Erection of a single storey side extension.	GRANT	28/09/1999
	97/01803/HIST	Details of roof materials pursuant to condition 2 of planning permission SE/97/1359.	GRANT	12/09/1997
	97/01359/HIST	1) Demolition of existing garage block and erection of new one, one same site.2) Erection of verandah (covered way) against part of main house.3) Erection of summerhouse in rear garden.	GRANT	26/08/1997
	96/01053/HIST	Use of existing outbuilding as residential accommodation ancillary to main house.	GRANT	12/07/1996

94/00683/HIST	Erection of 3 bedroom bungalow with garage. (Outline Application)	REFUSE	23/06/1994
91/00991/HIST	Four bedroomed house plus garage	REFUSE	07/08/1991
84/01189/HIST	Three garages for domestic parking	GRANT	31/10/1984

## Consultations

### *Thames Water*

- 12 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 13 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute, at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### *Tree Officer*

- 14 Although there are numerous trees on site of varying species, none are mature larger specimens. I do not therefore consider the serving of TPOs to be worth consideration, therefore no objection to these proposals. A landscaping condition should be attached to any consent provided.

### *Southern Water*

- 15 No response has been received from Southern Water

### *Highway Officer*

- 16 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-

Whilst it is noted that achievable sight line visibility from the proposed access is less than that which would be recommended in an unconstrained location, there is the potential to protect the proposed sight line splays within the frontage of the site by condition and a proposed internal layout which allows a vehicle to be turned off-street. Furthermore, sight line visibility for an access in this context would normally be measured from a 2m set-back from the edge of carriageway rather than the 2.4m shown on the layout plan thus increasing the available visibility splay distance and it should also be noted that the splay distance has been measured to the nearside carriageway edge in both directions whereas in reality any approaching driver would observe a vehicle exiting the access from some distance further back than this point. As a result, I would not wish to raise objection to the proposed single unit subject to the following conditions:

- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

*Parish / Town Council*

- 17 Councillors object as this is an inappropriate development in the Green Belt and harmful to an Area of Outstanding Natural Beauty.

Representations

- 18 4 letters of objection have been received in connection with this application. The main issues include the following:-

- Impact on the Green Belt, impact on openness
- Impact on AONB
- Site is outside the village confines
- There has not been vehicular access to Sparepenny Lane, the access referred to on the applicant plans was made without planning permission and closed before use by an Enforcement Notice issued by the Council.
- The valuation is too low
- The proposal would be shoehorned into the site and as such the proposal would be contrary to its semi-rural setting
- The proposal is not infill as it is outside village envelope
- Impact on highway safety
- No lawful existing access
- The track is still suppose to be the existing access for the plot
- The proposal will affect privacy and amenity to the property of Lane End

**Group Manager – Planning Services Appraisal**

- 19 Due to the nature of the scheme and the site constraints, the following are considered to be the determining issues:-

- Impact on the Green Belt
- Impact on the character of the site itself and amenity of the surrounding area
- Impact on neighbour amenity
- Highway Issues
- Affordable housing

## *Impact on the Green Belt*

20 The starting point as to whether the proposal is appropriate development in the Green Belt is whether the proposal adheres to the advice and guidance in the NPPF. This document specifically states in paragraph 89 the following:-

A Local Planning Authority should have regard to the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:-

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

This is the only exception that could apply in this case.

21 The Council does not consider that the proposal represents limited infilling in a village as set out in the National Planning Policy Framework.

22 For settlements such as this, where a Green Belt boundary has been defined, the boundary marks the edge of the settlement, and demarcates a change in character from village to rural lane and a more loose-knit development. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The purposes of the Green Belt boundary include safeguarding the countryside from encroachment. It is however considered that infill development beyond a defined settlement boundary would in this location, compromise the purposes of including this land in the Green Belt and undermine the fundamental aim of Green Belt policy.

23 The Council expects infill developments to be the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only. A substantially built up frontage would be an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.

24 In considering whether a frontage is substantially built up, consideration is given to, the size of buildings in relation to the plot size and the gaps between them; the relationship of the buildings to the street, their visibility and closeness to the street; the extent to which the road appears to be substantially built up, when taking into account this criteria. In order to be limited infilling in villages, the proposal should also protect the openness of the Green Belt.

25 The application site is a site which marks the transition, between the edge of the village boundary and the more rural landscape that is located beyond with intermittent, loose knit development located on the west of Sparepenny Lane. In particular, the proposal relates to a parcel of land, between a bungalow within the built confines of Eynsford and a large detached dwelling of Lane End. Beyond this property, there are a number of open fields.

26 As stated in the previous paragraph, there is considered to be a change in the character of the area, when you move beyond the property of Sydenham Cottage. Sydenham Cottage is the last dwelling in the village envelope and is not in the Green Belt and is clearly visible from the street and has a well maintained suburban character. The application site and the adjacent dwelling Lane End are well screened from the road by trees and landscaping. The property at Lane End is barely visible in the street scene and both sites are so well screened that once you

pass Sydenham Cottage the character changes to a rural lane. Equally on the opposite side of the road, there is no dwelling clearly visible. In my view there is no substantial built up frontage to justify the application site as an infill development.

- 27 It is considered that the character of the area dramatically changes to one that would be rural in character. The area is depicted by large detached spacious properties located along Sparepenny Lane, with large vegetated gardens and boundaries and to the east open fields. The application site is considered to be an important site within its context as it offers relief within the built form and moreover play an important part visually within rural landscape in which it sits.
- 28 The proposal would undermine the fundamental aim of Green Belt policy by increasing the sprawl of a built up area. For the reasons identified above the proposed development is not considered to be infill development in the Green Belt, and is therefore inappropriate development in the Green Belt and harmful in principle.

#### *Impact upon the openness and character of the Green Belt*

- 29 The National Planning Policy confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain land open. It states that the open character must be maintained as far as can be seen ahead. At the same time the visual amenities of the Green Belt should not be injured by development proposals.
- 30 The test of openness relies on, not about where a development will be seen from, but whether the openness of the Green Belt is affected.
- 31 Currently the site is open and there are no buildings on it. Although the proposal would be small and single storey it is considered that it would materially compromise the openness of the Green Belt. This is because of the three dimensional bulk of the proposed dwelling and its physical presence on the site. In view of this, it is considered that the proposal would have an adverse impact on the open character of the Green Belt which is considered to be unacceptable.

#### *Very Special Circumstances*

- 32 The National Planning Policy Framework states that, substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm in principle to the Green Belt and any other harm is clearly outweighed by other considerations.
- 33 No very special circumstances have been presented with this application. However, as the local member, Cllr Horwood, refers the need for affordable housing, I will refer to the weight to be attached to this later in the report.

#### *Effect upon the character of the area*

- 34 Policy EN1 from the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy 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 that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 35 The application site is also located in a highly sensitive area within the Area of Outstanding Natural Beauty (AONB). As stated in NPPF, the primary purpose of this designation is to conserve and enhance the natural beauty of the landscape. The proposal also needs to be carefully considered against policies and EN1 from the Sevenoaks District Local Plan and policies LO8 from the LDF and C3 from the South East Plan which refers specifically to new development in the countryside.
- 36 The actual design and visual appearance of the bungalow is considered to be acceptable from a visual perspective. But there are concerns about the work needed to facilitate the development, particularly the extensive visibility splays and works to form the access and driveway that would open up the frontage of the site and make any dwelling clearly visible from the road, and thus ensuring a significant change in character for the site and this part of Sparepenny Lane.
- 37 What is of harm is the location of the proposed bungalow and its impact on the character and appearance of the area. It is considered that a bungalow on this site, because of the topography of the area and existing screening/planting would not be particularly prominent in the countryside. However, due to the location of the appeal site between two existing dwellings the proposal would lead to a consolidation of built development in the countryside and an increase in the domestication of the site, and the eradication of this important transition zone which clearly defines the edge of the village of Eynsford and the rural periphery. Moreover it is however considered to detract from the loose-knit form that characterises this area on the edge of the settlement. In addition to this, the proposal would also involve the loss of a lot of trees, in particular to form the new access into the site. The loss of the trees is also considered to be harmful to the character and appearance of the area and to the rural fringe.
- 38 In this respect the location of the development in the position shown is considered to adversely affect the character and appearance of the area within the Green Belt and AONB and the streetscene.

*Impact on the amenity of adjacent properties*

- 39 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 40 The adjacent property of Lane End is located to the north east of the site. As stated above this is a large substantial property over two storeys. Within the North West flank of this property there are two dormer windows. Given the height and scale of the proposed dwelling and the distances between the two properties, the proposal is considered to have no adverse impact to warrant an objection.
- 41 The property Sydenham Cottage is located to the south. This property has been recently extended on the side with the construction of a single storey extension with accommodation within the roof space. There are two velux windows within the northern flank. Given the distances and the scale of the proposed dwelling the development is considered to have no adverse impact on the amenity of this property.

### *Highway Issues*

- 42 Policy EN1 expects that the proposed development ensures satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards.
- 43 In view of the fact that the Highway Officer has raised no objection to the proposal, subject to conditions, as laid out in paragraph 16 of the report, I am raising no objection to the proposal on highway safety grounds. In this respect the proposal is considered to comply with the above policy.

### *Affordable Housing Contribution*

- 44 Policy SP3 of the Core Strategy additionally indicates that the Council will expect the provision of affordable housing in all types of residential development. In the case of development that result in the net increase of less than five units 'a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable provision off-site'. The Council's Affordable Housing SPD which has now been adopted gives some guidance on the calculation and delivery of the necessary contribution which would be applicable.
- 45 Some of the letters of objection raise concern about the valuation of the property put forward by the estate agent. The main issue is that there are very few comparable properties which could be used to benchmark the value of this property. From the research conducted within the area, it would however appear that the valuation submitted would be sound and thus there is considered to be no objection to the affordable housing figure submitted.
- 46 The applicants have advised that they are happy to pay the affordable housing contribution. Providing that the unilateral 106 agreement is submitted and signed, before the committee date, this policy will be complied with.

### Assessment of Very Special Circumstances

- 47 The Council submits that the development is inappropriate development. The onus is therefore on the applicant to set out any very special circumstances they consider may apply in this case. The National Planning Policy Framework makes it clear that "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." It goes on to state that in view of the presumption against inappropriate development substantial weight to the harm to the Green Belt will be attached in considering any planning application or appeal.
- 48 The very special circumstance put forward is the fact that the dwelling would be affordable.
- 49 Policy SP3 of the Sevenoaks Core Strategy states that the definition of affordable housing is as follows:-
- "to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development including specialised housing. The location, layout and design of the affordable housing within the scheme should create an inclusive development."



In the preamble to the policy states that affordable housing is defined as “*social rented and intermediate housing provided to specified eligible households whose needs are not met by the market.*”

- 50 Although the applicants have advised that the dwelling would be affordable, it is considered that the proposal would not fall within “planning” definition of affordable housing. Indeed even if the proposed house were to be considered as affordable the NPPF explicitly states that in the Green Belt, development should be restricted, to protect the openness of the Green Belt and the status of the Green Belt should be afforded the highest protection. The NPPF, specifically states the following:-

*Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

*-- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*-- specific policies in this Framework indicate development should be restricted*

*For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

- 51 In this respect I do not consider that the very special circumstances clearly outweigh the harm to the Green Belt in this case.

## **Conclusion**

- 52 The application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The National Planning Policy Frameworks set out what constitutes appropriate development. For the reasons outlined above, the Council considers that the proposal constitutes inappropriate development and cannot be considered as infill development. By definition therefore the appeal proposal causes harm to the Green Belt. In addition to the harm in principle, the Council also considers that by virtue of the size, design and siting of the proposal that it does cause harm to the openness and visual amenities of the surrounding Green Belt.
- 53 In such circumstances therefore the applicant is required to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm in order to justify such development as to clearly outweigh the harm and any other harm by reason of inappropriateness.
- 54 The proposed development is also considered to be harmful to the character and appearance of the area and the protected landscape of the AONB.

Contact Officer(s):

Vicky Swift Extension: 7448

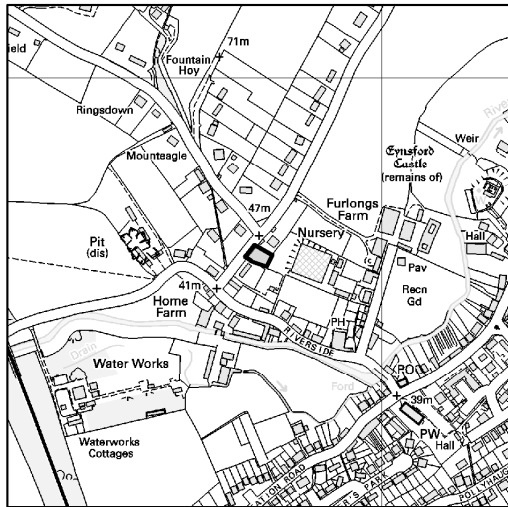
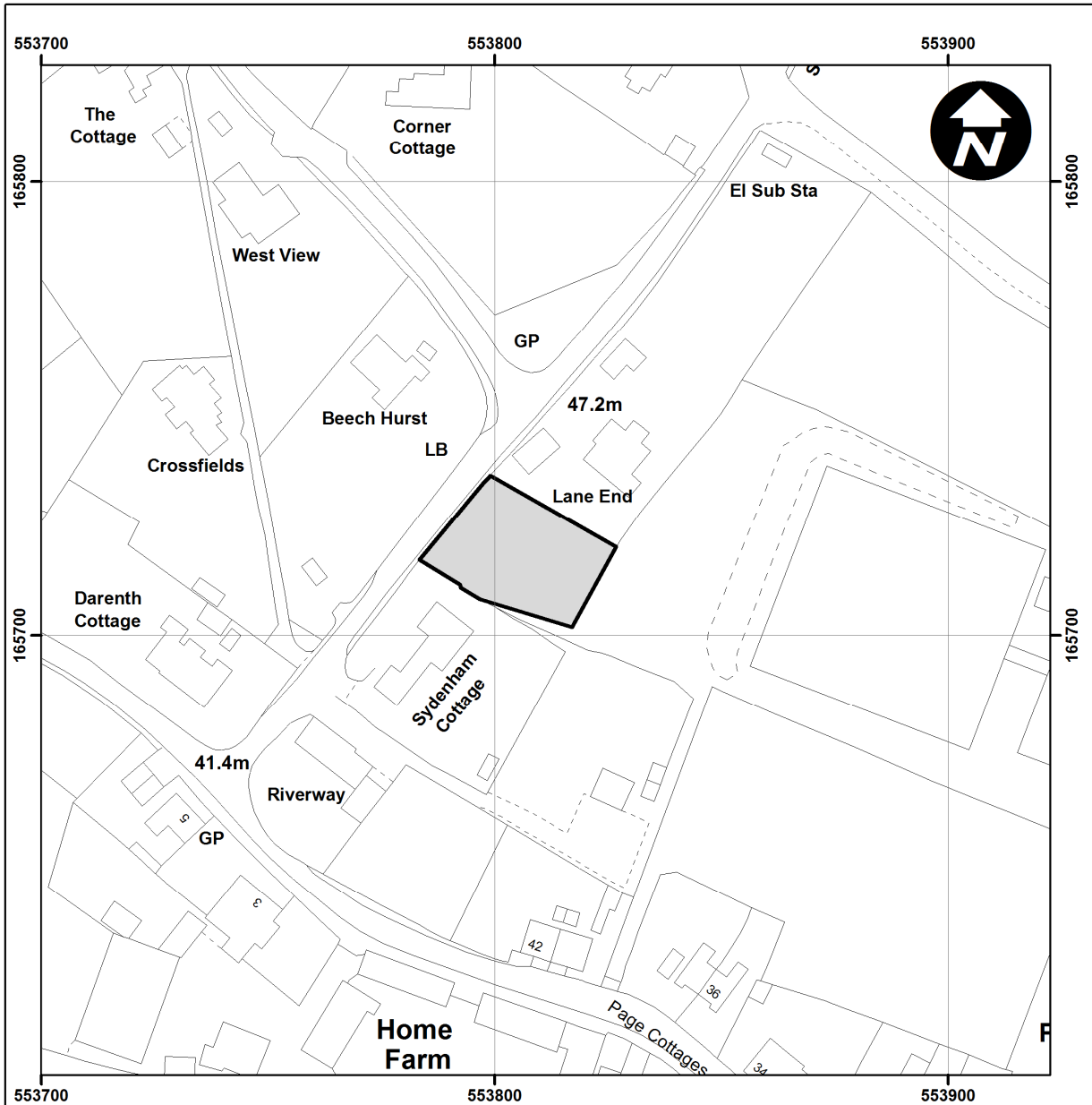
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MB2E6JBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MB2E6JBK0L000>



# Site Plan

Scale 1:1,250  
 Date 25.10.2012



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2012.

BLOCK PLAN

