



**PLANNING DESIGN AND ACCESS STATEMENT**

**REF: SEV/21/06**

**DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A NEW DWELLING**

**MANDERVILLE, EGG PIE LANE, WEALD, TN11 8PE**

**APPLICANT: MR AND MRS CURRAN**

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## 1.0 SUMMARY

- 1.1 This Planning, Design and Access Statement has been prepared to support the revised proposal for the demolition of the existing buildings on site and the erection of a new dwelling at Manderville, Egg Pie Lane, Weald, TN11 8PE. The revised proposal seeks to overcome the previous reasons for refusal set out on the decision notice for application reference 20/01112, and the subsequent appeal decision letter dated 08.02.21. The main changes to the proposal, described in greater detail below, are in relation to the siting and orientation of the proposed dwelling, the means of access to the application site, and the provision of additional information in relation to the impact of the proposal on ecology and biodiversity.
- 1.2 The existing buildings to be demolished are used as stabling, garaging and workshops which are all incidental to the residential use of the main dwelling. The proposal is still to remove these buildings from the site and replace them with a new single storey dwelling. The application site is part of the residential curtilage of Manderville, and is located within the countryside, within the Green Belt. As such, the site falls within the definition of previously developed land, as set out in the glossary to the National Planning Policy Framework (NPPF).
- 1.3 The revised development will result in a new building on the site that is less in footprint, scale and bulk than the existing buildings, and there will therefore be an improvement in terms of the openness of the



Green Belt.

- 1.4 The development will make a small but positive contribution to the strategic housing land supply requirement of the Council and will improve the layout and appearance of the site. This Planning Design and Access Statement demonstrates that the revised proposal overcomes the previous reasons for refusal, and the concerns set out by the Inspector in the appeal decision letter and complies with the policies of the current development plan and the NPPF, published in February 2019. The revised proposal falls within the definition of sustainable development and should therefore be granted planning permission without delay.



## **2.0 SITE AND CHARACTER APPRAISAL**

- 2.1 The site is located within a rural area, midway between the settlements of Sevenoaks Weald to the north and Leigh to the south. Egg Pie Lane is a rural lane with sporadic development, mainly residential properties along its length, but is characterised by open fields and woodland along the edges of the highway.
- 2.2 The application site (defined by the red line area) is part of a wider site, consisting of the residential properties of Manderville and The Cottage. As the planning history below demonstrates, The Cottage was a former barn, converted to residential use. The Egg Pie Lane frontage is slightly banked, and the existing access is to the southern end of the frontage, adjacent to the access to Roughetts.
- 2.3 The site has a gentle slope up from the road to the rear (east) of the site. There are a number of trees on the site, but these are mainly around the periphery and not in the area where the proposed dwelling is to be sited.



### 3.0 PLANNING HISTORY

3.1 According to the Council's website, the following planning history is recorded for the application site and the wider site;

- 80/00546- Extensions to dwelling. Granted;
- 81/00039- Extension to dwelling incorporating indoor swimming pool. Granted;
- 81/00039A- Extension to dwelling incorporating indoor swimming pool. Granted;
- 84/01230- Proposed granny annexe. Refused;
- 85/00177- Extension to bungalow. Refused;
- 08/01853/LDCPR- Erection of 3 velux roof lights to convert loft to habitable rooms. Granted;
- 16/02637/PAC- Prior notification for a change of use from agricultural use to a dwellinghouse (Class C3) and associated operational development (made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015). Withdrawn;
- 16/03199/PAC- Prior notification for a change of use from agricultural use to a dwellinghouse (Class C3) and associated operational development (made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015). Prior Approval Not



Required;

- 17/00476/LDCPR- Conversion of a barn to a dwelling. Granted.
- 20/01112- Demolition of the existing buildings on site and erection of a new dwelling, together with new access and car parking/turning area. Refused. Subsequent appeal dismissed.

3.2 The most recent application, reference 20/01112, was refused for the following reasons;

- 1) *The proposed development would represent inappropriate development in the Green Belt by virtue of its siting, bulk and mass and would result in harm to the openness of the Green Belt and conflict with the purposes of it. The proposal would fail to comply with policy LO8 of the Sevenoaks District Council Core Strategy, paragraphs 145 and 134 of the National Planning Policy Framework and Sevenoaks District Council Development in the Green Belt SPD.*
- 2) *The proposal fails to demonstrate if it would conserve the biodiversity of the area and would not result in a net loss of biodiversity and habitats of protected species. The proposal would fail to accord with policy SP11 of the Sevenoaks District Council Core Strategy and Policy GI1 of the Sevenoaks Allocations and Development Management Plan.*

3.3 Following the issue of the decision notice, an appeal was lodged, and dismissed on 08.02.21. The Inspector agreed with the Council that the proposal was inappropriate development in Green Belt terms,



and that the impact on protected species was not established. It is set out in detail below how the current, revised proposal addresses the Inspectors concerns.

- 3.4 The applications reference 16/03199 and 17/00476 resulted in the conversion of the former barn on the site to the property now known as The Cottage.





#### 4.0 PROPOSAL

- 4.1 The revised proposal is for the demolition of the existing buildings on the site and their replacement with a new dwelling. The proposed new dwelling is to be located to the west of the existing dwelling (Manderville) and will utilise the existing access onto Egg Pie Lane located to the southern end of the frontage. The existing parking area for Manderville will be shared with the new dwelling.
- 4.2 The siting and access arrangements are materially different from the previously refused application. The siting of the proposed new dwelling has been moved further to the south, to be located on the footprint of the existing buildings to be demolished. In addition, the previous application proposed a new access to serve the new dwelling, but the current proposal is to use the existing access drive. The site area has also been reduced in comparison to the previous application.
- 4.3 The revised proposed dwelling will have the same footprint as the previous proposed dwelling but the maximum height from ground floor to the ridge would be 4.5m. The maximum height is to the top of the central gable feature to the front (west) elevation. The north and south wings of the building are set at a lower level. The height of the revised proposed dwelling is therefore 2m lower than the previously



proposed dwelling, and not materially higher than the highest point of the existing outbuilding to be demolished, which the Council measured as being 4.12m (paragraph 1.9 of the Statement of Case submitted with the previous appeal).

- 4.4 The proposed dwelling will have three bedrooms, a drawing room and a living/kitchen/dining area. It will be oriented with the main windows for the living areas facing west, to take advantage of views across the open field and to take advantage, as far as possible, of solar gain. However, the orientation of the dwelling has been constrained by the comments of the Inspector in the recent appeal, and the need to ensure that the proposed development is located on land that is, as identified by the Inspector, as previously developed land.
  
- 4.4 The external finishing materials for the proposed building will be black stained boarding on a brick plinth, with a slate roof. Window and door frames will be of light oak stained timber.



## 5.0 POLICY CONTEXT

### Development plan

- 5.1 The development plan consists of the Sevenoaks Core Strategy and the Allocations and Development Management Plan (ADMP). Having regard to the proposed development the relevant policies are set out below.
- 5.2 Core Strategy (adopted 2011);
- LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy;
  - SP1 Design of New Development and Conservation;
  - SP11 Biodiversity
- 5.3 Allocations and Development Management Plan (adopted 2015);



- EN1- Design Principles
- EN2- Amenity Protection
- EN5- Landscape
- T2- Vehicle Parking
- T3- Provision of Electrical Vehicle Charging Points

5.4 Having regard to the Proposals Map, as shown in the extract below, the site is within the Green Belt;



*Application site*



### **Other material policy considerations**

5.5 **Supplementary Planning Documents**- the Council have adopted an SPD, Development in the Green Belt, in February 2015. The SPD expands upon and gives further advice for development in relation to the development plan policies for the Green Belt.

5.6 **National Planning Policy Framework (NPPF)** – a revised version of the NPPF was published in February 2019, and therefore carries considerable weight as a material consideration. Paragraph 10 of the NPPF sets out that;

*“at the heart of the Framework is a presumption in favour of sustainable development.”*

5.7 Paragraph 11 goes on to say that for decision taking this means;

*“approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular*



*importance provides a clear reason for refusing the development proposed; or  
ii. 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.”*

- 5.8 Paragraphs 133 to 147 of the NPPF also provide policy guidance for development in the Green Belt. As the proposal involves a new building, paragraph 145 is relevant. This sets out that certain forms of development are not inappropriate in the Green Belt. These include (at bullet point (g)) the following;

*“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development;”*

- 5.9 The Glossary to the NPPF sets out the following definition of previously developed land;

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was*



*previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*



## 6.0 MAIN ISSUES

6.1 Having regard to the recent appeal Inspector's decision letter and the policy context, the main issues raised by the application are;

- Impact on the Green Belt;
- Impact on the wider character of the area;
- Impact on the amenities of adjoining properties;
- Access and parking;
- Biodiversity and ecology.

### **Impact on the Green Belt**

6.2 Policy LO1 sets out that development will be focused within the built confines of existing settlements, and that in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt.





- 6.3 Policy LO8 is aimed at the countryside and the rural economy. It sets out 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.
- 6.4 In relation to policy LO1 and LO8, the impact on the Green Belt will be addressed in this section, and the impact on the wider character of the area will be assessed below. However, it is noted that the Council did not consider that the previous development was in conflict with policy LO1, but only policy LO8, as set out in reason for refusal 1.
- 6.5 The policies of the development plan should be seen in the context of the policy advice set out in the NPPF. At paragraph 145 it is set out that the redevelopment of previously developed land in the Green Belt is not inappropriate development provided it does not have a greater impact on the openness of the Green Belt than the existing development. The main concern of the Council, in determining the previous application, and the main issue addressed by the Inspector, was whether the application site fell within the definition of previously developed land. It was submitted, on behalf of the applicant, in relation to the previous application, that the range of garages and outbuildings that are proposed to be demolished, fell within the definition of previously developed land, and this was accepted by the Council and agreed by the Inspector (as set out within paragraph 7 of the appeal decision letter). The areas of dispute were based on the field to the west of the outbuildings and the triangular area of land to the north of the outbuildings.



- 6.6 Despite the evidence submitted with the previous application and appeal that the field to the west of the outbuildings was associated with the use of the outbuildings, some of which are stables, and the animals that grazed in the field were kept and fed in the stables, the Inspector concluded that *“there was no evidence to establish an equine use for the field”* (paragraph 8 of the appeal decision). Given that the Inspectors comments are a material consideration in the determination of the current application, it is necessary to consider the field to be outside of the definition of previously developed land.
- 6.7 However, the Inspector did not make a determination as to whether the triangle of land to the north of the outbuildings fell within the definition of previously developed land. The Inspector determined that the use was “unclear”. However, this triangle of land is part and parcel of the curtilage of Manderville (the dwelling to the east of the application site) and as a result, falls within the definition of previously developed land.
- 6.8 Although it is submitted that the triangle of land to the north of the outbuildings falls within the definition of previously developed land, it is acknowledged that the Inspector refers to the definition set out in the Glossary to the NPPF that includes that *“it should not be assumed that the whole of the curtilage should be developed”*. The Inspectors conclusion on this point in the recent appeal, in summary, was that although the outbuildings fell within the definition of previously developed land, it was not clear as to whether the field to the west or the triangular piece of land to the north also fell within the definition. The most material change to the revised proposal is that the application site has been reduced, and the siting of the proposed dwelling amended, in order that the proposed dwelling will be sited on the footprint of the outbuildings (which are



definitively previously developed land), and that the field to the west has been excluded from the application site. Whilst the triangular field to the north remains within the curtilage of the proposed dwelling, this is submitted to be acceptable on the basis that it is within the definition of previously developed land, and that the proposed use will be the same as the existing use (i.e. the curtilage of a dwelling).

- 6.9 In summary, it is clear that the outbuildings are previously developed land, and the siting of the proposed dwelling in the same location complies with the requirements of paragraph 145 of the NPPF. Whilst it is submitted that the triangular area of land to the north is part of the curtilage of Manderville, and therefore within the definition of previously developed land, the comments of the Inspector, noting that not all of the curtilage should be developed are acknowledged, and whilst the triangular area to the north is still part of the application site, it is not proposed to carry out any development within it, other than for it to form part of the curtilage of the proposed dwelling.
- 6.10 The other test to meet as set out in paragraph 145 of the NPPF is that having established that the proposed dwelling will be built on previously developed land, the proposed development should not have a greater impact on the openness of the Green Belt than the existing development. In relation to this point, the Inspector noted that the previously proposed building would be 2m higher than the existing buildings and the increased height would add to the scale and bulk of the built form on the site compared to the existing, resulting in visual harm to the openness of the Green Belt. In paragraph 10 of the decision letter, the Inspector determined that the *“greater height, volume and mass would almost certainly offset any reduction*



*in the footprint*". It is noted that the footprint of the proposed house remains the same, and the footprint of the existing outbuildings remains the same. In the previous application, the applicant submitted that the reduction in floorspace was 14 sqm, whereas the Council calculated the reduction to be 5.37 sqm. The Inspector noted that whichever figure was used, the proposed building would be smaller than the existing building (paragraph 11). The test in paragraph 145 of the NPPF is that the proposed development would have no greater impact on the openness of the Green Belt than the existing, and in footprint terms, this test is met, as confirmed by the Inspector.

- 6.11 The revised proposal has been significantly reduced in height compared to the previous proposal. The height to the ridge of the roof has been reduced by 2m at the highest point, with the projecting wings at a lower height. In order to ensure a satisfactory design, the proposed building is marginally taller than the existing building, but it is submitted that the difference (0.38m) is not material and would not be perceived from the nearest general public vantage points along Egg Pie Lane. In this regard, it is submitted that the concern expressed at paragraph 10 of the decision letter, where the Inspector noted that *"the dwelling's main ridge would be 2m taller.....than the outbuilding"* has been addressed.
- 6.12 The other implication of the change in the siting of the dwelling and the size of the application site is that the field to the west is no longer to be used for a new access to the dwelling from Egg Pie Lane. The Inspector expressed concerns in paragraph 11 of the decision letter that the provision of the access across the field *"would fail to preserve the spatial aspects of the site's openness"*.



- 6.13 “Openness”, in Green Belt terms, is usually considered to be the freedom of land from development. This is usually expressed in terms of the site coverage, or footprint, of the building, or its floorspace. In this case, the footprint of the proposed development on the site would be less than the footprint of the existing dwellings on the site (whether the applicant’s figures are used or the Council’s figures are used). There is therefore a reduction in footprint of the built form. As both the existing buildings and proposed buildings are single storey, the footprint of the existing and proposed buildings are the same as the floorspace. The proposed development therefore has no greater impact on the openness of the Green Belt than the existing in terms of site coverage.
- 6.14 The existing buildings to be demolished form a long stretch of buildings to the west of the existing dwelling (Manderville). The proposed dwelling, as well as having a smaller footprint than the existing development on the site, is arranged in a more “compact” form, with less of a spread, or encroachment, across the site. This is also a benefit to the openness of the Green Belt.
- 6.15 Given the above, it is clear that the revised development falls within the terms of the NPPF paragraph 145. The concerns of the Inspector are addressed, and it is submitted that the current proposal is not inappropriate development, and in fact the reduction in built form on the site amounts to a planning benefit and improves the openness of the Green Belt. The Green Belt is therefore protected as a result of the development.



- 6.16 As policies LO1 and LO8 of the Core Strategy set out that development will only take place where it is compatible with policies for protecting the Green Belt, it is submitted that there is no conflict with these policies of the development plan.

**Impact on the character of the area**

- 6.17 Policy SP1 is aimed at the design of new development, and all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 identifies a series of design principles and proposals which would create high quality design and meet the listed criteria will be permitted.
- 6.18 The impact on the character of the area, in particular the Green Belt, can be assessed using the headings of a Design Statement, and these are as follows;
- Amount;
  - Scale;
  - Layout;
  - Appearance;



- Landscaping.

- 6.19 Amount- As identified above the proposed floorspace of the dwelling will be less than the footprint of the existing buildings. This means that there will be no harmful impact on the openness of the Green Belt in spatial terms as the footprint of the proposed building is no greater than the footprint of the existing buildings.
- 6.20 Given the rural character of the area, with sporadic residential development spread out along the sides of Egg Pie Lane, the amount of development is considered to be suitable and acceptable.
- 6.21 Scale- The scale of the building is cruciform in plan with a taller central section 4.5m in height to the ridge, and two smaller, subservient wings containing the bedrooms and family/dining room. The compact nature of the design, and the limited height ensures that the visual impact on the openness of the Green Belt is minimised.
- 6.22 The Inspector considered the scale of the proposed building in relation to the previous application and appeal. At paragraph 10 of the appeal decision letter, it is noted that the *“long narrow ‘L’ shaped outbuilding would be demolished and replaced by a single storey dwelling with a smaller, more compact footprint.....Nevertheless, the dwellings main ridge would be more than 2m taller, and its projecting wings*



*more than 1m taller, than the outbuilding. This greater height, volume and mass would almost certainly offset any reduction in footprint".* However, the revised proposal still remains a single storey dwelling with a smaller and more compact form than the existing outbuilding, and in addition, the overall height of the proposed dwelling has been reduced by 2m to ensure that it is not materially larger than the existing outbuilding.

- 6.23 As a result, the scale of the revised proposed dwelling is submitted to be acceptable and addresses the concerns expressed by the Inspector in the appeal decision letter. In addition, the scale of the building also reflects the scale of the other dwellings on the wider site (Manderville and The Cottage).
- 6.24 Layout- the layout of the site has also been revised. Rather than the proposed dwelling being located to the north of the wider site, close to the boundary with Roughetts and Brookside Barn, the current siting is proposed on the footprint of the existing outbuilding. This will ensure that the proposed dwelling remains within the site that the Inspector identified as previously developed land, and thus engaging paragraph 145 of the NPPF. In addition, it would prevent the dispersal of the built form on the site and contain it within the existing building envelope.
- 6.25 As before, the revised siting does not compromise the setting and outlook of the other dwellings on the site and ensures that there is sufficient space around each of the dwellings.





- 6.26 Appearance- the appearance of the building has also been revised in order to address the Inspectors comments. The Inspector addressed concerns in paragraph 12 relating to the visual effect of the proposal on openness, setting out that the proposed appeal dwelling would be taller and bulkier building than the existing outbuilding, and had a gable projection including large windows that would face the street. The revised proposal has been reduced in size and bulk, as described above. As the siting has been revised to meet the requirement to redevelop previously developed land, the orientation of the proposed building has altered, with the longer western elevation facing the street, rather than the narrower projecting gable in the previous appeal proposal. The Inspector acknowledged that there are currently only “glimpsed views” of the existing outbuilding. By siting the proposed dwelling on the same site as the outbuilding, there will only be glimpsed views of the proposed dwelling. It is submitted that the glimpsed views would not be harmful, particularly in the context of the reduced height of the proposed dwelling and the fact that the revised building will still be traditional in appearance, with a pitched roof over, and the external materials will consist of dark stained timber cladding and a slate roof. The timber cladding is suitable and appropriate for the rural, wooded setting of the site and surrounding area, and will reflect the materials used on the existing outbuilding, which are currently glimpsed from views along Egg Pie Lane.
- 6.27 Landscaping- the garden area of the proposed dwelling will be primarily to the north and east of the proposed siting of the dwelling, and currently forms the curtilage to Manderville. Currently the area is in part a parking and turning area, and in part laid to lawn and domestic in nature. Although the Inspector was concerned in relation to the potential for domestic paraphernalia and activities associated with the residential use, it is



submitted that this is currently possible on the triangular shaped land to the north, as it is currently part of the curtilage of the existing dwelling (Manderville). As a result, there is in effect no change in the use of this land, but rather it will become the curtilage of the proposed dwelling instead of the curtilage of the existing dwelling.

- 6.28 Furthermore, by removing the field to the west from the application site, there will be no potential for the subdivision of the field, and the existing landscaping will remain. There will therefore be limited impact on the landscape setting and character of the area.
- 6.29 As the above demonstrates, the proposed revised development has addressed the Inspector's concerns, and will have a minimal impact on the character of the surrounding area. There will be no adverse impact on the openness of the Green Belt in spatial or visual terms as the revised proposal demonstrates a substantial reduction in built form. In addition, the design and appearance of the revised dwelling will be a visual improvement in the openness of the Green Belt and the amenities of the area as the built form will be consolidated and less dispersed across the site.
- 6.30 The evidence set out above clearly shows that the proposed development would not result in any conflict with policies SP1 and EN1 of the development plan, and the previous objections set out by the Council in the previous decision letter, and the concerns of the Inspector, have been addressed.



### **Impact on residential amenity**

- 6.31 Policy EN2 seeks to protect the amenities of adjoining properties. It sets out that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 6.32 In terms of the amenities of future occupiers of the building in the event that planning permission is granted, the internal space within the building is generous and provides spacious accommodation as a family dwelling. Whilst the Council have not adopted the national minimum space standards, the proposed conversion will exceed the minimum standards (the minimum standards for a 3 bed/6 person dwelling is 95 sqm. The proposed floorspace is 157 sqm). In addition, the external space provides a large area of amenity that is suitable for a family dwelling.
- 6.33 The re-sited dwelling will be located in a closer relationship with Manderville to the east than the previous proposal. Whilst Manderville does have windows that look towards the proposed siting of the new dwelling, the windows in the proposed dwelling facing east are to non-habitable rooms, or secondary windows, and



can therefore be fixed and obscure glazed. The only window to the proposed dwelling that faces east that is to a habitable room (bedroom 2) but due to the orientation of the two properties this window is not in direct alignment with the windows in Manderville. In any event, it would be possible to define the boundaries of the proposed site with a fence of a suitable height that would prevent any overlooking. This can be secured by condition.

- 6.34 To the north, Brookside Barn is a former agricultural building that has been converted to residential use via the prior approval application reference 14/03446. However, there is significant landscaping to this common boundary, and the distance of the proposed dwelling from the boundary is far enough to avoid any overlooking or overbearing impact, or loss of light.
- 6.35 It is clear from the above that the amenity provided for future occupiers of the site is suitable and appropriate, and there is no impact on the amenities of adjoining properties, and no conflict with policy EN2.

#### **Access and parking**

- 6.36 Policy T2 of the development plan requires vehicle parking provision, including cycle parking, in new residential developments to be made in accordance with the current Highway Authority vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. Policy T3 of the development plan sets out



that within new residential developments all new houses with a garage or vehicular accesses should include an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles.

- 6.37 In relation to policy T2, the parking standards for new dwellings in a rural location requires 2 spaces per dwelling. There is ample space in the proposed parking and turning area for the parking of 2 cars. There is also ample space and opportunity to provide an electric vehicle charging point, and this can be secured by way of an appropriately worded condition. There was no objection to the proposed parking arrangements in relation to the previous appeal proposal.
- 6.38 In terms of the access to the site, it is proposed to utilise the existing access to the two existing dwellings on the site at the southern end of the existing frontage. Although there will be some increase in the use of the access for the additional dwelling, this is not a material or significant increase, and is offset by the use of the access to serve the existing range of outbuildings, which includes stables.
- 6.39 Consequently, the proposal will not result in any additional danger or inconvenience to other highway users, and there will be no conflict with policies T2 and T3 of the development plan.



### **Biodiversity and ecology**

- 6.40 The Council previously raised an objection, as set out on the decision notice for the earlier application, and as addressed by the Inspector, in relation to biodiversity and ecology. The reason for refusal cited policy SP11 and GI1 of the development plan, and that the previous proposal failed to demonstrate that the development would conserve the biodiversity of the area and would not result in a net loss of biodiversity and habitats of protected species.
- 6.41 Policy SP11 of the development plan sets out that the biodiversity of the District will be conserved, and opportunities sought for enhancements. Policy GI1 sets out that proposals will be permitted where opportunities for provision of additional Green Infrastructure have been fully considered. The explanatory text identifies that GI provision goes beyond traditional site-based landscaping but requires development proposals to take account of natural and semi natural features of the site and biodiversity.
- 6.42 The Ecology Team at KCC requested a Preliminary Ecology Appraisal (PEA) as part of the application and an Ecological Impact Assessment (EclA), but no opportunity was afforded for the applicant to submit this information. Having submitted the PEA as part of the appeal documents, the Inspector accepted that in the absence of any evidence of a bat roost within the outbuilding, sufficient protections can be secured by way of conditions (paragraph 19 of the appeal decision letter).



- 6.43 The other species that the PEA identified that could be harmed were reptiles, as a result of the previously proposed access crossing the field to the west, adjacent to Egg Pie Lane. However, this area of the wider site no longer forms part of the application site, and it is not proposed to site any development in this field.
- 6.44 In order to address the outstanding biodiversity and ecology issues relating to the revised proposal, on its reduced site area, the initial ECOassistance PEA is submitted, and a further Reptile Mitigation Strategy is submitted, issued by Greenlink Ecology Ltd. This Mitigation Strategy document is submitted in order to determine whether a reptile survey is required to inform the need to an EclA, since the scope of the proposal has changed since the appeal proposal (paragraph 1.3 of the Mitigation Strategy document).
- 6.45 As the site area for the application has been reduced, the reptile mitigation strategy identifies that the opportunity for the presence of reptiles is unlikely, and as a result, reptiles and their habitats should not be affected by the proposals.
- 6.46 Notwithstanding this, the submitted Strategy recommends that the grass within the application site is cut using a particular methodology to avoid impact on any reptiles that might be present, even though this is considered to be unlikely. In addition, to secure biodiversity enhancements, the proposals should incorporate bat boxes and bird boxes. These can be secured by way of a suitably worded condition.



6.47 In relation to biodiversity and ecology therefore, the revised proposal overcomes the Council's previous objections and the concerns of the Inspector and results in no conflict with policies SP11 and GI1 of the development plan.





## 7.0 CONCLUSIONS

- 7.1 The proposed revised development should be acceptable in principle, as the land to be developed falls within the definition of previously developed land as identified by the Inspector, and the NPPF allows for the redevelopment of such land, provided there is no greater impact on the openness of the Green Belt than the current buildings. It is demonstrated above that the revised proposal results in no greater impact on the openness of the Green Belt than the current buildings. The proposed development is not therefore inappropriate.
- 7.2 The development will not result in harm to the overall character of the area, as the proposed dwelling has been redesigned to be of limited scale and proportions, and the appearance, layout and landscaping of the site will not have an adverse impact on landscape character.
- 7.3 In addition, there will be no harm to the amenities of adjoining properties due to the relationship of the proposed built form and the existing adjoining properties, and the environment created for future occupiers of the development will be satisfactory.



- 7.4 Car parking is provided in accordance with the adopted standards, and electric charging points can be provided through the use of appropriately worded conditions. The use of the existing access will not result in any increased danger to other highway users.
  
- 7.5 The additional information submitted will result in no harm to protected species or their habitats and will also result in enhancements to the biodiversity of the area.
  
- 7.6 It is submitted therefore that the proposed development does not conflict with the policies of the development plan and addresses the concerns and issues raised by the previous Inspector. As a result, the development falls within the definition of sustainable development set out in paragraph 11 of the NPPF and should therefore be granted planning permission without delay.