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PLANNING DESIGN AND ACCESS STATEMENT

REF: SEV/21/05

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A NEW DWELLING.

LAND AT HAVEN MANOR, HODSOLL STREET, NEW ASH GREEN, SEVENOAKS, TN15 7LL

APPLICANT: MR C SCOTT

APRIL 2021

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1.0 SUMMARY

1.1 This Planning, Design and Access Statement has been prepared to support the proposal for the demolition of the existing buildings on the site and the erection of a new dwelling on land to the north of Haven Manor, Hodsoll Street, New Ash Green, Sevenoaks, TN15 7LL.

1.2 The existing buildings were the subject of prior approval applications for the conversion from agricultural buildings to residential under the terms of Class Q of the GPDO. The larger of the two buildings on the site (the hay store) is able to be converted as permitted development under the terms of Class Q of the GPDO, whereas the smaller of the buildings (the former pig pens) was refused prior approval. The current application seeks to rationalise the development of the site and erect a new single dwelling effectively as a replacement for the permitted development conversion.

1.3 The proposed development will result in a new building on the site that will have a smaller footprint and volume than the existing buildings, and there will therefore be an improvement in terms of the openness of the Green Belt.

1.4 The proposed 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 whether the proposal complies with the policies of the current development plan and the NPPF, published in February 2019, and if not, whether there are any very special circumstances, or material considerations, that would justify the granting of planning permission.

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2.0 SITE AND CHARACTER APPRAISAL

2.1 The site is located within a rural area, situated to the south of the settlement of Ash, which is to the north east corner of Sevenoaks District Council's area. The site forms a smaller parcel of land to the north of the garden area of Haven Manor. Haven Manor is a large detached house set in extensive grounds. The house is located to the south of its plot, and next to the main house is a smaller dwelling (the subject of a Certificate of Lawful Development- see Planning History section below), known as The Cottage.

2.2 The application site is a small parcel of land that currently contains two agricultural buildings- a larger haystore, and a smaller former pig barn, together with a shed and a greenhouse. These buildings were the subject of prior approval applications under Class Q of the GPDO for conversion to residential. Only the larger haystore benefits from permitted development for conversion- the smaller pig barn was refused prior approval.

2.3 The application site is enclosed by a post and rail fence from the garden area to Haven Manor and the fields to the north and west. To the east of the site is Haven Hill, onto which an access has been provided to serve the site, under the terms of Class B of Part 2 of the GPDO. The land slopes down from the south

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to the north of the site.

2.4 The surrounding area is rural in character, with large agricultural fields interspersed with blocks of woodland and hedgerows. There is isolated development spread out along the roads which consists of agricultural, equestrian and residential development.

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3.0 PLANNING HISTORY

3.1 The following planning applications are recorded for the site (which includes the hay store and former pig barn) on the Council's website;

- 20/03274/LDCPR- Conversion of a hay barn into a dwelling. Refused
- 19/01278/PAC - Prior notification for a change of use from agricultural use to dwelling house and associated operational development. This application is made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 – prior approval not required.
- 18/02864/PAC- Prior notification for a change of use from agricultural use to dwelling house and associated operational development. This application is made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015. Refused. (Former pig barn). Appeal dismissed.
- 18/02862/PAC- Prior notification for a change of use from agricultural use to dwelling house and associated operational development. This application is made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015. Refused.

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3.2 In summary, the planning history for the site involves the original prior approval applications for the conversion of the two buildings to residential- 18/02862 (the hay store) and 18/02864 (the pig barn). Both of these applications were refused. An appeal was lodged against the refusal of the pig barn decision, and this appeal was dismissed in part due to the size of the curtilage and also that the works required to convert the dwelling would go beyond that which is reasonably necessary.

3.3 In relation to the refused prior approval application for the hay store, a revised application was submitted with additional information. This resulted in the Council issuing a decision determining that prior approval would not be required for the development, provided it was carried out in accordance with the details submitted with the application. In effect, the decision means that the conversion of the hay store to residential use would be permitted development.

3.4 Applications recorded for the wider site at Haven Manor are;

- 18/03445/LDCEX- Lawful Development Certificate for use as a dwellinghouse (The Cottage). Granted.
- 19/01957/PAE- Prior notification of a single storey rear extension which extends 8m beyond the rear wall of the original dwelling house with a maximum height of 4m and eaves height of 2.9m (extensions to The Cottage). Granted

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- 19/01972/LDCPR- Single storey side extension and two dormer extensions to the roof slopes (extensions to The Cottage). Granted.

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4.0 PROPOSAL

4.1 The proposed development is for the demolition of both buildings on the site and their replacement with a new single dwelling. The proposal would utilise the existing access onto Haven Hill to the eastern boundary of the site.

4.2 The schedule of the existing buildings to be demolished is set out below;

Structure	**Footprint (sqm)**
Hay store	69.3
Former pig barn	50.625
Total	**119.925**

4.3 The proposed new dwelling will replace the hay store on exactly the same footprint. As a result, the replacement dwelling will be 69.3 sqm. There will therefore be a reduction of built form on the site of 50.625 sqm (or 42.2%).

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4.4 The proposed development also creates a curtilage (or garden area) for the new dwelling which extends to the north, and also to the south into the curtilage of Haven Manor to incorporate the existing shed and greenhouse, to provide some storage and amenity for the proposed new plot. The curtilage will also extend to the west, to incorporate the existing smaller former pig barn, in order to allow for the demolition of this building as part of the proposal.

4.5 The new dwelling is proposed to replace the existing building on a like for like basis. The footprint of the new dwelling will be the same as the footprint of the existing building to be removed, and the height of the proposed dwelling will be the same height as the building to be removed (3.65m).

4.6 The materials to be used for the new dwelling will be timber weatherboard cladding to the elevations and a powder coated metal composite roof covering. The use of the timber weatherboard cladding will reflect the rural character of the area, and other buildings in the locality, and the metal composite roof will be a reflection of the former agricultural use. The window arrangements have a vertical emphasis to reflect a barn conversion arrangement.

4.7 The reason that it is proposed to replace the existing building with a new dwelling rather than convert it is primarily in relation to securing a more energy efficient and longer-term building. By replacing the building, rather than converting, new fabric can be used and energy efficiency design measures, and the use of more efficient material, can be used for the roof, walls and floor of the structure. This represents a

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benefit in terms of minimising CO2 emissions and meeting the requirements of the Building Regulations. There is therefore a planning benefit to the erection of a new dwelling rather than implementing the conversion of the building, although ths remains a material consideration of substantial weight.

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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;

5.3 Allocations and Development Management Plan (adopted 2015);

- EN1- Design Principles

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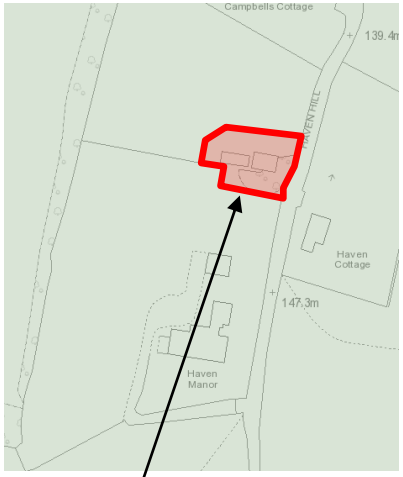
- EN2- Amenity Protection
- EN5- Landscape
- GB9- Replacement of a non residential building in the Green Belt
- T2- Vehicle Parking
- T3- Provision of Electrical Vehicle Charging Points

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



Application site

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Other material 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

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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 (d)) the following;

"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;"

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6.0 MAIN ISSUES

6.1 Having regard to 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.

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

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biodiversity will be protected and enhanced where possible.

6.4 Policy GB9 of the Development Management Plan sets out that proposals to replace an existing non residential building within the Green Belt will be allowed provided they meet the following criteria;

a) The existing building is lawful and permanent in nature;
b) The design and volume of the proposed replacement building would not be materially larger than the original building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;
c) The replacement building would be in the same use as the building to be demolished.

The above policy reflects the advice in paragraph 145 of the NPPF.

6.5 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.

6.6 Policy GB9 is the most relevant policy. All of the criteria must be met in order for the proposed development to be acceptable. It is clear that the proposal meets criteria a) and b). The building is permanent and lawful (as has been determined through the prior approval applications previously submitted), and the proposed

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volume of the replacement building would be no greater than the volume of the original building. The proposed building will be the same dimensions, in terms of width, length and height, as the existing building (which in this case is the same as the original building).

6.7 The only criteria that the proposed development would not comply with is that the replacement building is not in the same use as the building to demolished. As this would not comply with policy GB9, or paragraph 145 of the NPPF, it would render the proposed development inappropriate in Green Belt terms. As a result, very special circumstances (VSC) should be made out to outweigh the harm by way of inappropriateness, and any other harm. In relation to "other harm", it will be set out below that there is none. As a result, the VSC should be of sufficient weight to outweigh the harm caused by inappropriateness.

6.8 The VSC fall under two headings- the impact of the development on the openness of the Green Belt overall, and the fallback position.

6.9 Impact on openness- "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 buildings, or their floorspace. As it currently stands, the application site consists of two agricultural buildings- the larger hay store, and the smaller former pig barn. As part of the development, it is proposed to demolish the former pig barn. This building is no longer utilised effectively for its agricultural use. The removal of this building would reduce the "bricks and mortar" coverage of the Green Belt from this site, and to the wider Green Belt, and as

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a result there would be an improvement, or benefit, to Green Belt openness. In fact, there would be a substantial reduction in built form on the site- a reduction of 42%.

6.10 The NPPF sets out that openness is the essential characteristic of the Green Belt (paragraph 133), and one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The proposal, to replace the larger haystore on a like for like basis, and remove 42% of the building footprint from the site, would be a VSC of substantial weight.

6.11 Fallback position- the Planning History set out above shows that the conversion of the existing larger haystore building to residential would not require prior approval under Class Q of the GPDO. Class Q allows for the conversion of agricultural buildings to residential, subject to meeting a number of conditions, and subject to a determination from the Council as to whether prior approval is required or not. The decision notice issued by the Council under reference 19/01287 determined that prior approval would not be required for the conversion of the building to residential, provided the development was carried out in accordance with the details submitted with the prior approval application. This development can still be carried out, and if it were to be, the building would have lawfully changed its use from agriculture to residential. This constitutes the fallback position.

6.12 It is submitted that the fallback position for the conversion of the building to residential is a material consideration of substantial weight. Case law has determined that to constitute a material consideration the

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fallback position need only be a theoretical possibility, as identified by Hickinbottom LJ in Zurich Assurance Ltd v North Lincolnshire Council. It is clear that should the current application not be granted planning permission, the conversion of the building to residential could still be carried out. Given the applicants intention to redevelop the site, the conversion of the existing building is significantly more than a theoretical prospect, and therefore it is clearly a material consideration of substantial weight.

6.13 In summary, the VSC are based on the fact that the proposed development will be an improvement to the openness of the Green Belt, and that the fallback position is a material consideration of substantial weight. As a result, it is submitted that the VSC are such that the harm by way of inappropriateness, and any other harm (which the applicant submits there is none), is clearly outweighed. Although policy GB9 is not complied with in its entirety, there is justification for setting aside criteria (c) of the policy.

6.14 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

6.15 Policy SP1 is aimed at the design of new development, and all new development should be designed to a high

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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.

6.16 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.

6.17 Amount- As identified above, the existing buildings on site have a total footprint of 119.925 sqm. The proposed footprint of the new dwelling will amount to 69.3 sqm, which is the same footprint as the existing haystore. The other building on the site (the pig barn) will be demolished, and this will result in a 42% reduction in the amount of built form on the site.

6.18 Given the rural character of the area, with sporadic development set amongst the fields and woodlands, the

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amount of development is considered to be suitable and acceptable and will not result in harm to the openness of the Green Belt or the character of the area.

6.19 Scale- The scale of the proposed dwelling is the same as the scale of the existing building to be replaced. The footprint will remain the same and the overall height of the proposed dwelling to the ridge will be the same as that of the existing building. As a result, there will be no greater impact on the character of the area as a result of the scale of the building.

6.20 Layout- the layout of the site has the proposed dwelling located in exactly the same location as the existing haystore. There will therefore be no greater impact on the character of the area. The demolition of the former pig barn to the rear of the site will make the site more open and allow for greater space around the new dwelling. It is proposed to include the area of the demolished former pig barn into the curtilage of the new dwelling.

6.21 Also included into the curtilage of the new dwelling will be the land to the north of the existing haystore. However, this was included within the curtilage of the prior approval application, so this arrangement would remain the same. This area would be used for the turning and parking of cars, the layout of which can be secured by condition.

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6.22 The proposed layout also includes the incorporation of the existing greenhouse and shed, which are currently within the garden area for Haven Manor. This will provide some additional amenity and storage space for the new dwelling. As the land is existing garden curtilage and will remain so as a result of the development, albeit the garden area to another dwelling, it is submitted that there is no impact on the character of the area. In order to maintain an element of control over potential development in the proposed curtilage of the new dwelling, it is anticipated that the Council will consider removing permitted development rights under Class E (outbuildings).

6.23 The other element of the layout that is different from the prior approval scheme is that access will be obtained from Haven Manor through the existing field gate that has been erected to the eastern boundary. This access was created by virtue of Class B of Part 2 of the GPDO, which sets out that a means of access to an unclassified road is permitted development. The benefit of the use of this access is that the proposed dwelling will not need to access the site via the existing access to the site to the south, which currently serves Haven Manor, The Cottage and the agricultural land to the north.

6.24 The layout of the site results in the removal of a significant proportion of built form and provides for a more rational layout of the site to meet the needs of the occupiers. This is achieved without harm to the overall character of the area.

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6.25 Appearance- the appearance of the buildings will be suitable and appropriate for the rural character of the wider area. The dwelling will be constructed of timber weatherboard cladding, with a metal composite roof. The prior approval details submitted with the application indicated that the converted building would be clad with black timber weatherboarding and powder coated metal composite roof covering. The proposed materials for the current application are will reflect those proposed in the prior approval conversion, and therefore there should be no objection to the proposed materials to be used. The precise specifications can be secured by condition.

6.26 Landscaping- the garden area of the proposed dwelling will be laid to lawn and domestic in nature. The existing fences, hedges and trees to the boundaries will remain. Any additional landscaping can be secured by condition to ensure that appropriate species can be selected and that the landscaping maintained for the longer term.

6.27 As the above demonstrates, the proposed development will have a minimal impact on the character of the surrounding area. There will be no adverse impacts on the openness of the Green Belt as there is no greater encroachment of built form in the Green Belt. In addition, the design and appearance of the proposed building will be a visual improvement relative to the existing building on the site. Additional landscaping will add to the biodiversity of the area.

6.28 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.

Impact on residential amenity

6.29 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.

6.30 In terms of the amenities of future occupiers of the development in the event that planning permission is granted, the internal space within the dwelling provides suitable accommodation for a two bedroom dwelling. Whilst the Council have not adopted the national minimum space standards, the proposed dwelling will be just below the minimum standards (the minimum standards for a 2 bed/4 person dwelling is 70 sqm. The proposed floorspace amounts to 69.3 sqm). In addition, the external space provides an area of amenity that is suitable for the size of dwelling proposed.

6.31 The site is located in a relatively isolated location. The nearest properties are Haven Manor and The Cottage

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to the south and Campbells Cottage to the north. However, these properties are a sufficient distance away that the proposed development will not result in harm to their amenities by way of overlooking, loss of light or an overbearing impact.

6.32 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

6.33 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.

6.34 In relation to policy T2, the parking standards for new dwellings in a rural location requires 2 spaces per dwelling. The proposed development has sufficient space for the provision of two parking spaces, and a turning area in front, which can be secured by condition. There is ample space and opportunity to provide an electric vehicle charging point within the site, and this can be secured by way of an appropriately worded

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condition.

6.35 In terms of the access to the site, as described above, the existing access onto Haven Hill will be utilised. The width of the access is suitable in order to ensure that there is no danger or inconvenience to other highway users.

6.36 Consequently, the proposal will not result in any conflict with policies T2 and T3 of the development plan.

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7.0 CONCLUSIONS

7.1 The proposed development complies with all but one of the criteria of policy GB9, and therefore in Green Belt policy terms, would be considered to be inappropriate development. As a result, very special circumstances should be made out to outweigh the harm by way of inappropriateness, and any other harm. The assessment above demonstrates that there is no “other harm” to the character of the area or the amenities of adjoining properties. The very special circumstances therefore need to simply outweigh the harm by way of inappropriateness.

7.2 The very special circumstances are that the proposed development involves the demolition of the former pig barn, resulting in a reduction of built form on the site of 42%, and a similar improvement to the openness of the Green Belt, and also the fallback position relating to the prior approval application, which confirms that the existing hay store can be converted as permitted development. This fallback position should be afforded substantial weight.

7.3 It is submitted that the very special circumstances are sufficient to outweigh the harm by way of inappropriateness. Consequently, the proposal should be considered acceptable in Green Belt terms.

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7.4 Car parking can be provided in accordance with the adopted standards, and electric charging points will be provided through the use of appropriately worded conditions. The siting of the proposed access points will not result in any increased danger to other highway users.

7.5 It is submitted therefore that although there is a minor conflict with the development plan (one of the criteria to policy GB9), material considerations exist to justify the grant of planning permission.

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