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Planning Statement

**UPPER AUSTIN LODGE FARM BARN, UPPER AUSTIN LODGE ROAD,
EYNSFORD DA4 0HU**

April 2021
DHA/14623



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1 INTRODUCTION

1.1 Overview

- 1.1.1 This statement has been prepared on behalf of Hawkspare Consultants Ltd in respect of a phased full planning application for the demolition of mixed use commercial and agricultural premises and the erection of two family dwellings at Upper Austin Lodge Farm Barn, Upper Austin Lodge Road, Eynsford.
- 1.1.2 The application is submitted on a specific phased basis so as to allow the opportunity for the units to be made available as self build plots should this approach be attractive to the local market. In this regard, the Planning Practice Guidance on self-build exemptions for multi-unit schemes states (Paragraph: 091 Reference ID: 25-091-20190901)

'For multi-unit schemes (for example, where a builder sells serviced plots, or a community group works with a developer), applicants should consider applying for a phased planning permission, to allow each plot to be a separate chargeable development. This will prevent the charge being triggered for all plots within the wider development as soon as development commences on the first dwelling. This will also ensure that if a disqualifying event occurs affecting one unit, it does not trigger a requirement for all to repay the exemption'.

1.2 Context

- 1.2.1 The site is occupied by a large former agricultural building which has been clad following planning permission ref: 18/01669/FUL, and subsequently internally converted (500 sqm) to B8 storage and distribution following the issue of by a Lawful Development Certificate (ref 20/00484).
- 1.2.2 The commercial storage use was introduced by the landowner owing to a short term need for overflow business space connected with their crane hire business. This need has now been addressed and so the space is no longer needed. A comprehensive redevelopment is now being sought given the site is better suited to redevelopment rather than intensified business use.
- 1.2.3 We do, of course, acknowledge the site is located within the Metropolitan Green Belt and the Kent Downs AONB. However, it is brownfield and so national planning policy makes provision for its redevelopment. Furthermore, AONB policy does not seek to prohibit development of the small scale nature proposed.
- 1.2.4 The ability to deliver homes in the short term is also extremely important given the extent of the housing land supply shortage. In this regard, based upon the Government's standard methodology for calculating housing need the annual requirement for Sevenoaks district is 711 dwellings – more than four times the current 165 house per year target contained within the out of date Core Strategy.
- 1.2.5 The latest Housing Delivery Test results (February 2021) further require the Council to engage the presumption in favour of sustainable development owing to past under delivery.

- 1.2.6 The relevance of the housing need and past under delivery is also reflected in national planning policy. Where authorities are unable to fulfil their requirements, circumstances radically tilt decision making in favour of the grant of permission.
- 1.2.7 Considering the above context, we acknowledge that there are sensitive matters to be balanced. However, the proposals are well informed, and we firmly consider circumstances justify this sensitive and well-planned development proceeding without delay.

1.3 Supporting documentation

- 1.3.1 This statement provides a detailed overview of the application site and proposals. It assesses the planning merits of the scheme with regard to the applicable planning policy framework. It forms part of the application submission and should be made available for inspection with the other application details.
- 1.3.2 The application consists of the following documents.

Documents and Plans	Author
Documentation	
Planning Application Form and Ownership Certificate	DHA Planning
Further Information Form	Planning Portal
CIL Questionnaire	Applicant
Planning Statement	DHA Planning
Contamination Desk Top Assessment	Lustre Consulting
Landscape Visual Appraisal	Briarwood
Preliminary Ecological Appraisal 2020	Greenspace Ecology
Drawings	
DHA 14625 01 Site Location Plan	DHA Urban Design
DHA 14625 02 Existing Site Layout Plan	
DHA 14625 03 Existing Ground Floor Plan	
DHA 14625 04 Existing Elevations	
DHA 14625 11 Proposed Site Layout	
DHA 14625 12 Proposed Ground Floor Site Plan	
DHA 14625 13 Plot 1 Proposed Plans	
DHA 14625 14 Proposed Elevations	
DHA 14625 15 Plot 2 Proposed Plans	
DHA 14625 16 Plot 2 Proposed Plans	
DHA 14625 17 Proposed Section	
DHA 14625 18 Existing and Proposed Block Plan (Comparison)	
DHA 14625 19 Phasing Plan	

List of application documents and plans

2 SITE CONTEXT

2.1 Site Overview

- 2.1.1 The site is located on land to the west of Upper Austin Lodge Road, a short distance to the north of the group of agricultural buildings, stables and residential properties at Upper Austin Lodge Farm, Eynsford.
- 2.1.2 The site and its surrounding area are located in the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt and the whole of the site falls within the administrative area of Sevenoaks District Council.

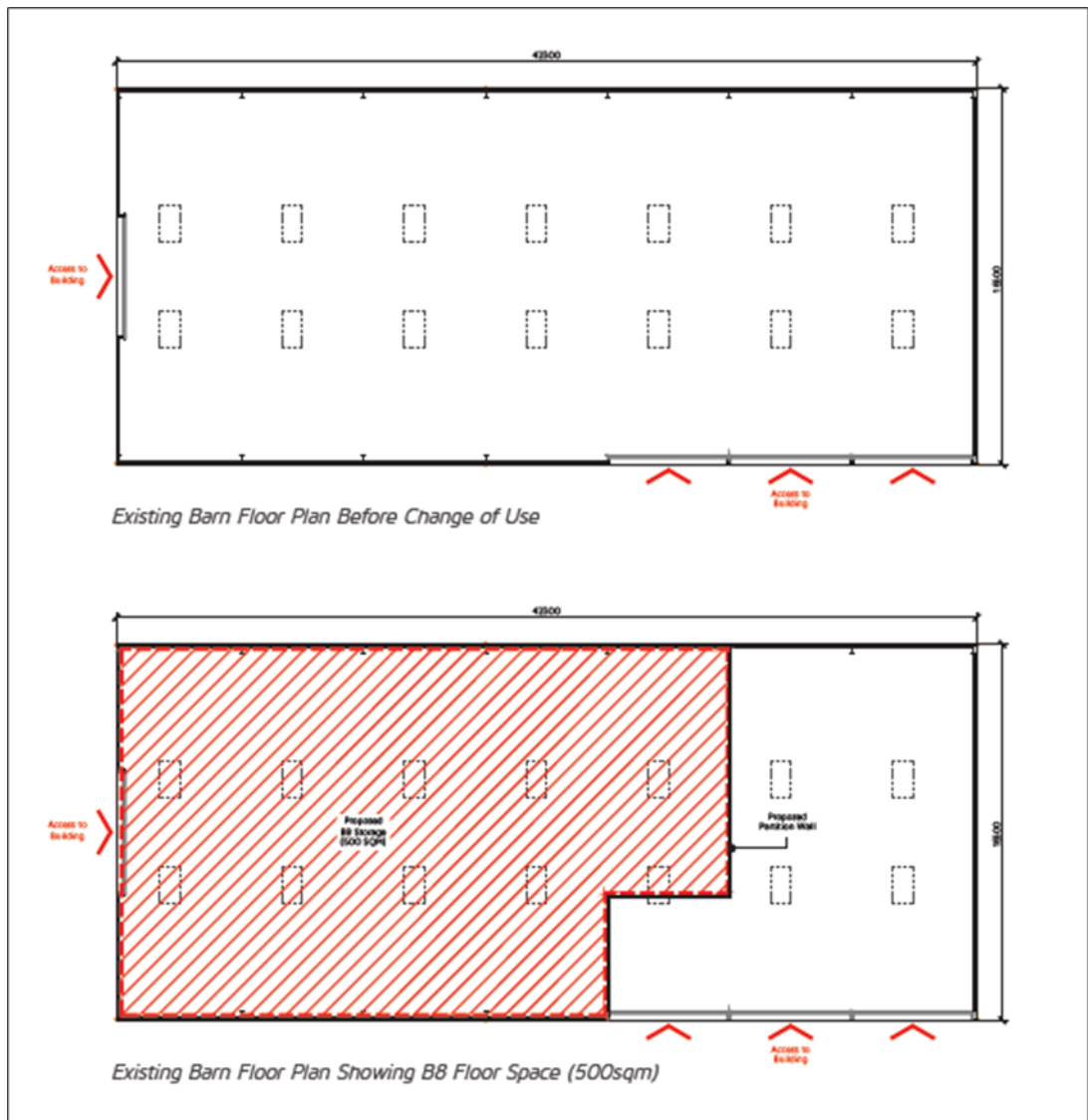


Site location plan (not to scale)

- 2.1.3 Upper Austin Lodge Road provides access to the site and the wider settlement from the north (and the village of Eynsford approximately 2km distant). The road forms a slightly sinuous route along the valley bottom. Apart from the residential properties and existing buildings associated with Upper and Lower Austin Lodges, there is limited built form within the valley. Nonetheless, in the context of the hamlet of Upper Austin Lodge, the site is not in an isolated location for the purpose of planning policy.
- 2.1.4 The wider surrounding area is generally characterised by a patchwork of enclosed arable fields, agricultural buildings, rural dwellings and woodland.
- 2.1.5 To either side of Upper Austin Lodge Road the topography rises sharply to a height of approximately 150 metres Above Ordnance Datum (AOD). To the south of the site and Upper Austin Lodge, the topography rises in a series of undulating hills to a height of approximately 170 metres AOB approximately 1.5km from the site

boundary. The detailed landscape character is set out within the supporting LVA prepare by Briarwood Landscape Architecture.

- 2.1.6 Public right of way SD201 connects through the southern edge of the site between Upper Austin Lodge Road and the access road to Fairways. Apart from this right of way, the site is private with no public access.
- 2.1.7 A mixed use building occupies part of the site. The existing building is situated slightly north and east of the centre of the site and is orientated north-south, parallel to Upper Austin Lodge Road. The storage barn is steel clad and painted in dark green, with a shallow pitch roof and no fenestration. A galvanised steel door is situated at the northern gable end of the building.
- 2.1.8 The agricultural building was clad following planning permission ref: 18/01669/FUL, and subsequently part converted (500 sqm) to B8 storage and distribution following the issue of by a Lawful Development Certificate (ref 20/00484).



Extent of the mixed use of the building



Implemented unit in use for cranes storage

2.2 Land Status

2.2.1 The implementation of the above consent has resulted in the creation of a wider mixed use composite site that triggers the reclassification of the site as 'brownfield land'.

2.2.2 As the Council is aware, the NPPF glossary defines PDL as:

'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'.

2.2.3 Despite the site’s agricultural origin, R (on the application of Lee Valley Regional Park Authority) v Broxbourne Borough Council and Britannia Nurseries [2015] EWHC 185 (Admin) (herein ‘Lee Valley vs Broxbourne BC’) determined that agricultural buildings last used lawfully for non-agricultural purposes cease to be agricultural buildings for the purposes of the definition of PDL.

2.2.4 In reaching this conclusion, Mr Justice Ouseley said:

"The mere cessation of an agricultural use would not cause them to cease being agricultural buildings. An unlawful change of use which would still be enforced against, would not change the use of the building in this context. But I conclude that the implied approach of the report is correct. The words "agricultural building" in the NPPF, as in the legislation, in my view mean a building used for the purposes of agriculture alone and do not include one which was used for agricultural purposes but which, lawfully, is now used for another purpose, mixed with agriculture or not. These buildings were in fact no longer used for agricultural purposes alone. A barn now converted to a dwelling was once used for agricultural purposes, it was an agricultural building, but it is now a dwelling house and not an agricultural building"

2.2.5 The judge rejected the submission that the previous agricultural use of the buildings meant that the land was still excluded from PDL because it remains land which "is or has been occupied by agricultural buildings". He said:

"In my judgment, those words must be read in the context of the words defining previously developed land. That is land which "is or was occupied by a permanent structure". The exception uses the words "is or has been occupied by agricultural buildings". The policy first looks at the present position and asks what buildings occupy the site, to which the answer is: buildings lawfully not used for agricultural purposes. The present tense deals with the position as it is. The policy then looks at whether the land "was" or "has been" occupied by permanent structures or certain buildings. The past tense deals with the position where the buildings which once occupied the land no longer do so, having been demolished, or fallen down. Their removal does not in general prevent land being previously developed land, and in the case of agricultural buildings, their removal does not end the exception. The past tense is not used to deal with former agricultural buildings which continue occupy the land but which are no longer agricultural buildings. That is covered by what "agricultural building" means."

2.2.6 Having regard to these principles, we say the site now constitutes a single planning unit that comprises a mix of commercial and agriculture and thus in line with established case law is wholly PDL.

2.2.7 In terms of whether the whole site is brownfield, we do not consider the site to be made up of multiple planning units. The issue of the planning unit is a matter of fact and degree, but the leading judgement on the matter is found in *Burdle v Secretary of State for the Environment* [1972]. In issuing this particular judgement, Mr Justice Bridge set out 3 broad distinctions to help to determine the planning unit, explaining:

- (1) Where the occupier pursues a single main purpose to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered to be the planning unit.*
- (2) Where there are a variety of activities none of which are incidental or ancillary to another and which are not confined within separate and physically distinct areas of land, again the whole unit of occupation should normally be the planning unit. (This is usually said to be a composite use);*
- (3) Where within a single unit of occupation there are two or more physically separate and distinct areas occupied for substantially different and unrelated purposes, each area (together with its incidental and ancillary activities) should be a separate planning unit.*

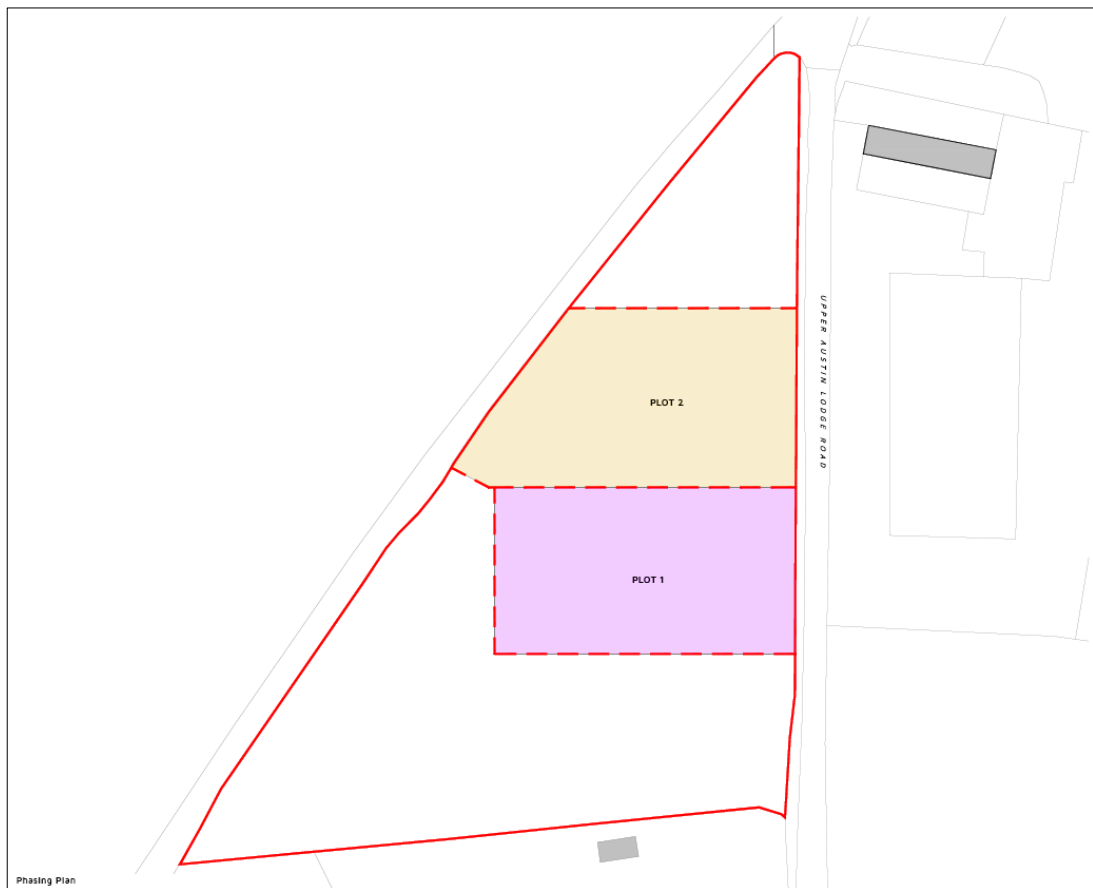
2.2.8 Having regard to these three definitions, we say the site best falls within category 2 (i.e. it is a single planning unit consisting of a composite use) because neither use is dominant nor is there physical separation and distinct areas occupied for unrelated uses. It must therefore be previously developed land.

2.2.9 Given the brownfield status, we say that paragraph 145(g) of the NPPF allows for the complete redevelopment of the site.

3 PROPOSED DEVELOPMENT

3.1 Overview of Development

- 3.1.1 The proposal seeks a phased full planning application for the demolition of mixed use commercial and agricultural premises and the erection of two family dwellings.



Proposed phasing plan

- 3.1.2 The application is submitted on a specific phased basis so as to allow the opportunity for the units to be made available as self build plots should this approach be attractive to the local market. In this regard, the Planning Practice Guidance on self-build exemptions for multi-unit schemes states (Paragraph: 091 Reference ID: 25-091-20190901)

'For multi-unit schemes (for example, where a builder sells serviced plots, or a community group works with a developer), applicants should consider applying for a phased planning permission, to allow each plot to be a separate chargeable development. This will prevent the charge being triggered for all plots within the wider development as soon as development commences on the first dwelling. This will also ensure that if a disqualifying event occurs affecting one unit, it does not trigger a requirement for all to repay the exemption'.

- 3.1.3 The dwellings would be traditional two storey in nature, with 1.5 storey garage projections with rooms over.



Proposed east elevation (plot 1) – not to scale.

3.1.4 The proposed dwellings would be accessed from Upper Austin Lodge Road and would be sited broadly within the footprint of the existing barn.

3.1.5 Two parking spaces would be provided per dwelling.

3.2 Pre-application Feedback

Summary of Informal Discussion with Sevenoaks District Council

3.2.1 A pre-application enquiry was lodged with Sevenoaks District Council prior to submission of this application. The following core advice was provided:

- (1) In reviewing the planning history of this site it is noted that no formal determination was made as to whether a use of storage or distribution is lawful or not.*
- (2) As the lawfulness of the change of use has not been formally determined there is uncertainty as to whether the building is within an agricultural use of not. This would be fundamental to determining whether the proposal could be considered as appropriate development or not. In consequence if the prior approval has been lawfully implemented confirmation would be required to confirm how this has occurred. Alternatively very special circumstances would be need to support the proposal.*
- (3) In reviewing the proposal it would result in the demolition of an existing barn and the erection of two detached dwellings with a reduction in the height of the buildings compared to the existing barn and a reduction of the bulk on site. Concern would however be raised in respect to the extent of the curtilage of the two properties and the physical spread of the*

development upon the site that would result in the proposal having a greater impact upon the openness of the Green Belt.

- (4) The proposed development should respond to the scale, height, materials and site coverage of the area and should respect the topography and character of the site and surrounding area. Policies SP1 and LO8 of the Core Strategy and policies EN1 and EN5 of the ADMP would apply here.*
- (5) The development should not result in excessive overlooking or visual intrusion or result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. Policy EN2 of the ADMP would apply.*
- (6) The proposal is set apart from any adjacent dwellings and in consequence it is not considered that the proposal would be likely to have an adverse impact upon local amenities.*
- (7) In light of the agricultural use of the building there is the potential that the land has been contaminated and accordingly you may want to submit a contaminated land assessment, including a site investigation and remediation methodology (if necessary) with any submission to offset a condition requiring this information if permission were to be granted.*
- (8) The potential lies for the site to incorporate protected species and in consequence I would advise you to submit an ecological survey to determine whether they are present and if so provide mediation strategies as appropriate. If planning permission were to be granted ecological enhancements would be sought.*
- (9) Vehicle parking provision, including cycle parking, in new non-residential developments should be made in accordance with advice by Kent County Council as Local Highway Authority or until such time as non-residential standards are adopted.*
- (10) Public Rights of Way, SD199 and SD201 lie to the east and south of the barn respectively. Whilst the proposed works would not directly impact upon these public footpaths it should be ensured that during any works that the Public Rights of Way are not stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. If an application were to be made Kent Public Rights of Way would be consulted on the proposal.*

3.2.2 The advice received has informed the content of the application and this documentation.

3.2.3 Regarding the question of whether the use for storage or distribution is lawful (presumably owing to uncertainty over commencement of the LDC consent); we can confirm that the nature of the building in question and the storage use is such that no major works were required and the scheme was implemented swiftly upon approval via a permanent internal partition and the immediate storage of machinery associated to the applicant's crane storage business. Accordingly, the subdivision of the plot and use for commercial storage are both fully apparent and there is clear evidence of implementation.

- 3.2.4 We agree that implementation of the change of use and brownfield status is fundamental to determining whether the proposal could be considered as appropriate development and so we have set out (in section 2) why the site should now reasonably be considered brownfield and why paragraph 145(g) of the NPPF should apply to this scheme.
- 3.2.5 The demolition of the existing mixed use barn and the erection of two detached dwellings will result in a reduction in the height of the buildings compared to the existing barn and a reduction of the bulk on site and as such there is little doubt that there would be an improvement to Green Belt openness.
- 3.2.6 Following expression of concern about the extent of the curtilage of the two properties, the garden areas have been reduced back to the minimal amount needed to serve the proposed homes. Furthermore, the treatment of gardens can be very sensitively handled within rural areas. Indeed, there are a series of recent examples of high quality residential schemes within the locality where the introduction of residential uses, far more significant than is currently proposed, have resulted in fully integrated developments.



Recently completed development at Austin Lodge

- 3.2.7 It is our view that the proposed development does respond to the scale, height, materials and site coverage of the area and respects the topography and character of the site and surrounding area. Indeed, the scheme has been informed by a detailed Landscape Visual Appraisal prepared by Briarwood Landscape Architecture.
- 3.2.8 We agree, the development will not result in excessive overlooking or visual intrusion or result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. Indeed, the proposal is set apart from any adjacent dwellings and in consequence it is not considered that the proposal would be likely to have an adverse impact upon local amenities.

- 3.2.9 In light of the agricultural use of the building the applicant has submitted a contaminated land assessment, this is addressed in further detail within the wider planning appraisal.
- 3.2.10 The applicant has chosen to submit an ecological survey with proposed ecological enhancements.
- 3.2.11 Vehicle parking provision, including cycle parking is proposed in accordance with advice by Kent County Council as Local Highway Authority.
- 3.2.12 Finally, the development has had regard to the fact that Public Rights of Way, SD199 and SD201 lie to the east and south of the barn respectively. The proposed works would not directly impact upon these public footpaths and we can confirm that safeguards can be put in place to ensure that the Public Rights of Way are not stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed.
- 3.2.13 Having regard to the above, we consider all matters raised at pre-application stage have been considered and addressed as part of this proposal.

4 PLANNING POLICY FRAMEWORK

4.1 Overview

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 4.1.2 For the purpose of this planning application, the Development Plan comprises policies from the Sevenoaks Core Strategy (adopted 2011) and the Allocations and Development Management Plan (adopted 2015).
- 4.1.3 In addition to the development plan, the Government’s updated National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government’s requirements and policies for planning in England and must be considered as a material consideration.
- 4.1.4 Other material considerations discussed within this section include; the Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD); and the weight to be given to the Sevenoaks Submission Local Plan (recently failed) and the associated local plan evidence that underpinned its submission.
- 4.1.5 Matters of housing need, supply and delivery are also material to this application but are considered separately (Chapter 5).
- 4.1.6 This chapter therefore highlights the aspects of the NPPF and development plan that are relevant to this application and the weight that can be given to the existing adopted policies.

4.2 The National Planning Policy Framework (NPPF) 2019

Achieving sustainable development

- 4.2.1 Paragraph 7 states the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.2.2 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways - so that opportunities can be taken to secure net gains across each of the different objectives (NPPF, Paragraph 8).
- 4.2.3 Paragraph 11 states plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) 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.*

Decision making

- 4.2.4 In terms of decision making, paragraph 38 states local planning authorities should approach decisions on proposed development in a positive and creative way. Paragraph 39 states early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 4.2.5 Paragraph 41 goes on to state the more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
- 4.2.6 Paragraph 50 is clear that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Delivering a sufficient supply of homes

- 4.2.7 Paragraph 59 states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.2.8 Paragraph 60 sets out that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be considered in establishing the amount of housing to be planned for.
- 4.2.9 In terms of affordable housing paragraph 63 states provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

- 4.2.10 To this end, paragraph 67 states that strategic plan-making authorities should have a clear understanding of the land available in their areas through the predation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) Specific, deliverable housing sites for years one to five of the plan period, and
 - b) Specific deliverable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the plan.
- 4.2.11 Paragraph 68 then goes onto stress that small and medium sized sites can make an important contribution to meeting housing requirements of an area, and are often built out relatively quickly. Therefore, to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable windfall sites within existing settlements.
- 4.2.12 Moreover, to maintain delivery and supply, paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies., or against their local housing need where the strategic policies are more than five years old. This supply should include a buffer of between 5% and 20%, which varies depending on the rate of past delivery.
- 4.2.13 Paragraph 78 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Promoting sustainable transport

- 4.2.14 Paragraph 103 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 4.2.15 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Making efficient use of land

- 4.2.16 Paragraph 118 of the NPPF states that planning policies and decisions should (amongst other things) promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Achieving well designed places

- 4.2.17 Paragraph 124 states the creation of high-quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 4.2.18 Paragraph 127 states planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.2.19 Paragraph 128 states design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 4.2.20 Paragraph 130 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, considering any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Protecting Green Belt land

- 4.2.21 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 states that the construction of new buildings should be regarded as inappropriate; however, there are several exceptions to this. Relevant to this proposal is:

- g) 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; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Conserving and enhancing the natural environment (section 15)

- 4.2.22 Paragraph 170 sets out how planning policies and decisions should contribute to and enhance the natural and local environment.
- 4.2.23 When it comes to applications that affect Areas of Outstanding Natural Beauty, paragraph 172 is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty. The scale and extent of development in these areas should be limited and due regard should be given to the conservation and enhancement of wildlife and cultural heritage.
- 4.2.24 Planning permission should be refused for major development in an AONB other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 4.2.25 With respect to habitats and biodiversity, paragraph 175 says that when determining applications, local planning authorities should apply the principles that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 4.2.26 Equally proposals that conserve or enhance biodiversity to seeking net gains should be supported and encouraged.

4.3 The Development Plan

Sevenoaks Core Strategy (2011)

- 4.3.1 The Core Strategy is a strategic document that underpins the Council's Local Development Framework (Local Plan).
- 4.3.2 Policy LO7 of the Core Strategy refers to the distribution of development in the District. It states that Eynsford is a service village and that limited infilling and redevelopment of a small scale will be permitted within the defined confines. The policy goes on to state that new development should be of a scale and nature appropriate to the village.
- 4.3.3 Policy LO 8 states that the extent of the Green Belt will be maintained. Regarding the countryside, the policy notes that this should be conserved with regard to the special character of the landscape. Particular regard will be given to the condition and sensitivity of the landscape character and securing the recommended landscape actions in the proposed SPD to ensure that all development conserves and enhances local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided.
- 4.3.4 Policy SP1 states that 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. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment.
- 4.3.5 Policy SP3 regards Affordable Housing and states that the location, layout and design of the affordable housing within the scheme should create an inclusive development. For a scheme of this size 40% of the total number of units should be affordable unless a viability assessment suggests otherwise.
- 4.3.6 Policy SP5 refers to Housing Size and Type and states that the Council will expect new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. It will seek the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock.
- 4.3.7 Policy SP7 relates to housing density noting that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. For more rural settlements like Eynsford, a density of 30 dwellings per hectare is expected.
- 4.3.8 Policy SP8 concerns Economic Development and Land for Business and states that the retention, intensification and regeneration of existing business areas primarily at Sevenoaks, Swanley, and Edenbridge and Major Developed Sites in rural areas, will be supported but subject to Green Belt policy.
- 4.3.9 Policy SP10 refers to Open Spaces and Green Infrastructure noting that residential development proposals in areas where there is an existing shortage in open space provision, or where the development would otherwise result in a shortage in provision, will be expected to contribute to overcoming the shortage, either

through on site provision or a financial contribution to offsite provision. Provision should include arrangements for maintenance of the open space.

Allocations and Development Management Plan (2015)

4.3.10 Policy EMP5 considers non-allocated Employment Sites, stating that when considering proposals for the creation or loss of business uses on unallocated sites, the Council will assess the impact of the proposals on the environment, local economy and the local community. Furthermore, the Council will permit the loss of non-allocated lawful business premises and sites to other uses provided it can be demonstrated, to the satisfaction of the Council, that the site has been unsuccessfully marketed for re-use in employment for a period of at least 6 months and that there is no reasonable prospect of their take up or continued use for business use at the site/premises in the longer term.

4.3.11 Policy GI1 has regard to Green Infrastructure and New Development and states:

'Proposals will be permitted where opportunities for provision of additional Green Infrastructure have been fully considered and would be provided where justified by the character of the area or the need for open space.

Any open spaces provided as part of new development should, wherever practical and appropriate, be located where they can provide a safe link for the population and connectivity for biodiversity with the existing features of the Green Infrastructure Network.

Additional green infrastructure and habitat restoration and/or re-creation, should be provided in accordance with the appropriate guidance contained in the Kent Design Guide and the Sevenoaks Countryside Assessment SPD and should take account of the guidance within the AONB Management Plans and associated guidance where appropriate'.

4.4 Other Material Considerations

Development in the Green Belt SPD (adopted 2015)

4.4.1 Section 7 of the SPD refers to Previously Developed Brownfield Site Redevelopment. Although it refers to the 2012 NPPF which has now been superseded, the thrust of the section remains relevant. It states that the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green Belt

4.4.2 The Council will consider the impact of proposals on a case by case basis and the unique circumstances of the site but in order to maintain the same impact on the openness of the Green Belt and fulfil its purpose, the Council would generally expect redevelopment proposals to:

- a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*
- b) not exceed the height of the existing buildings; and*
- c) not occupy a larger area of the site than the existing buildings.*

- 4.4.3 The section continues noting that the most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the "footprint"), excluding temporary buildings, open spaces with direct external access between wings of a building, and areas of hardstanding. However, the Council will consider alternative approaches to determining impact where there is justification to do so.

Sevenoaks Proposed Submission Version Local Plan (December 2018)

- 4.4.4 In May 2019, SDC submitted the Proposed Submission Version of their Local Plan to the Ministry for Housing Communities and Local Government ('MHCLG') for independent examination.

- 4.4.5 Following the first two weeks of examination, the inspector appointed by the Secretary of State wrote to the Council and recommended that they withdraw the plan owing to concerns regarding legal compliance and soundness. The Council subsequently challenged the stance of the Inspector and requested further Government intervention.

- 4.4.6 On the 2nd March 2020 the Inspector issues her final report finding the plan to have failed to fulfil the duty to cooperate. The Inspector also outlined wider concerns in respect of soundness, namely:

- (1) The Sustainability Appraisal, in particular the selection of Reasonable Alternatives and the justification for the Choice of Option 3 as the preferred Spatial Strategy.*
- (2) The Green Belt Assessment, in particular the methodology chosen and the range of sizes of the parcels identified as the starting point for the assessment.*
- (3) The approach to the definition of exceptional circumstances at the site specific level, which includes whether the release of land will result in the delivery of infrastructure to meet an existing evidence based need.*
- (4) The justification for a housing requirement substantially lower than the housing need.*
- (5) The retention of the Broad Location for Growth at Pedham Place in the Green Belt and the implications of that in relation to the prospect of the site being developed in the Plan period, having regard to paragraphs 143-145 of the National Planning Policy Framework and the supply of housing generally.*
- (6) The deliverability and/or developability of the allocated housing sites, in particular the extent of the evidence to support start dates and build out rates and the simplistic nature of the Council's 'Phasing Rules'.*

- 4.4.7 The Inspectors decision to find the plan unsound was subject to Judicial Review proceedings advanced by the Council, but dismissed in November 2020. The Council has since further challenged and failed via the Court of Appeal.

Green Belt Assessment (2017)

- 4.4.8 As part of the aborted Local Plan process, a Green Belt Assessment was undertaken by Arup on behalf of the Council and provides a high level review of the performance of the District's Green Belt against the five Green Belt 'purposes', as defined in the NPPF.
- 4.4.9 The assessment categorises Green Belt as strongly, moderately or weakly performing. It finds that most of the Green Belt in the District is performing strongly.
- 4.4.10 The Green Belt Assessment identifies a very small number of weakly performing parcels and so the priority was to review these and other brownfield sites in the Green Belt.
- 4.4.11 Whilst we note the content of the report, the Inspector ultimately expressed concern that it does not serve as a credible evidence base because Arup breaks parcels down into sizes of such significantly large scale that each undoubtedly performs and fulfils the core purposes of the Green Belt. For example, the largest parcel covers an area in excess of 13 square miles (3,386 ha).
- 4.4.12 The use of a study at such macro scale renders the exercise of limited value and has no regard of infill greenfield opportunities around existing settlements.

Consultation Draft Development in the Green Belt SPD (December 2018)

- 4.4.13 The emerging SPD updates the thrust of the current SPD with the new NPPF reference (paragraph 145 (g)). This goes on to reiterate the stance from the previous document, which is outlined below for ease of reference:

'the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green Belt.

The Council will consider the impact of proposals on a case by case basis and the unique circumstances of the site but in order to maintain the same impact on the openness of the Green Belt and fulfil its purpose, the Council would generally expect redevelopment proposals to:

- a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*
- b) not exceed the height of the existing buildings; and*
- c) not occupy a larger area of the site than the existing buildings'.*

- 4.4.14 Based upon the failure of the emerging local Plan, it is assumed that this SPD will not proceed or be given any weight in the decision-making process.

Kent Design Guide (2005)

- 4.4.15 The Kent Design guide sets out detailed principles for guiding the design of development. It aims to assist designers and others achieve high standards of

design and construction by promoting a common approach to the main principles, which underlie Local Planning Authorities' criteria for assessing planning applications. It also seeks to ensure that the best of Kent's places remain to enrich the environment for future generations.

4.4.16 Section 1.3 focuses on respecting local character and context, stating the design of new developments should evolve from the special local or Kentish character. This means:

- (1) Reinforcing positive design features of an area.*
- (2) Respecting the scale, street patterns, landscape, local materials, colours, style and detailing of surrounding areas.*
- (3) Carefully managing differences in building and eaves height*
- (4) Including public areas that draw people together and create a sense of place, routes which make a positive contribution.*
- (5) Avoiding a wide variety of building styles or mixture of materials*
- (6) Maintaining and creating good views and vistas, and*
- (7) Forming a harmonious composition with surrounding buildings or landscape features.*

4.4.17 Section 1.5 seeks to create attractive, safe and secure places and section 1.6 focuses on movement and connections.

4.5 The Sevenoaks District Countryside Assessment

4.5.1 The Sevenoaks District Countryside Assessment (SDCA) defines and describes the different types and character areas of the landscape in the Sevenoaks District, and evaluates each area in terms of the condition of the landscape and its sensitivity.

4.5.2 The Assessment is used in the consideration of planning applications to supplement planning policies by describing the local landscape character to which the Development Management policies apply.

4.5.3 The SDCA defines the landscape of Eynsford Downs as follows:

'This is an intensively farmed, rolling Downland landscape with deep, dry valleys and broad plateau tops. There are long views to the north, from the upper areas, over adjacent Downs. There are also significant views along the valley floor and views extending up the valley sides to the wooded ridgelines. Broken views of the A20 are evident from within the site.

There is a feeling of enclosure created by the topography and mature woodland growing along the ridgelines. The isolated woodlands contain oak standards with groups of Scots Pine, Hazel and Hawthorn. There is a strong field pattern, but the hedgerows are breaking down and being replaced by post and wire fencing. The fields are generally medium to large scale and rectangular in form. The land is mainly used for pasture and the production of crops. Adjacent to the village of Eynsford are found some smaller scale

paddocks. A large golf course is also tucked unobtrusively within the hills to the rear of southern Eynsford.

Settlement is limited to a scattering of isolated farmsteads and small hamlets. These groups of buildings include renovated flint and brick oasts and barns that would have been associated with farming at one time. Elsewhere, large modern farm buildings and barns are often located on the skyline. Narrow winding lanes have high grass verges and mature, species-rich hedgerows. Along the valley floor, lanes have narrow grass verges and no hedgerows’.

- 4.5.4 The wider landscape is addressed in full within the Briarwood Landscape Visual Appraisal that supports this application.

4.6 Community Infrastructure Levy (2014)

- 4.6.1 The Community Infrastructure Levy (CIL) is a charge on development used to fund infrastructure. The charge applies to most new development where new floorspace is proposed (of 100 square metres or more) or where a new dwelling is created. Where CIL is payable the adopted rates are as follows.

Development Type	Charge (Per Square Metre) As at 1 January 2020
Residential (Zone A)	£174.63
Retail (Supermarkets and Superstores)	£174.63
Retail (Warehousing)	£174.63
Other forms of development	£0

Approved CIL charges as at 1 January 2020

- 4.6.2 Given Sevenoaks is a CIL charging authority, the application is submitted on a specific phased basis so as to allow the opportunity for the units to be made available as self build plots should this approach be attractive to the local market.
- 4.6.3 In this regard, the Planning Practice Guidance on self-build exemptions for multi-unit schemes states (Paragraph: 091 Reference ID: 25-091-20190901)

‘For multi-unit schemes (for example, where a builder sells serviced plots, or a community group works with a developer), applicants should consider applying for a phased planning permission, to allow each plot to be a separate chargeable development. This will prevent the charge being triggered for all plots within the wider development as soon as development commences on the first dwelling. This will also ensure that if a disqualifying event occurs affecting one unit, it does not trigger a requirement for all to repay the exemption’.

5 HOUSING NEED AND SUPPLY OVERVIEW

5.1 Context

- 5.1.1 Paragraph 73 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
- 5.1.2 In the absence of an up to date plan, the Council's housing supply target should be based upon the Government's standard methodology.
- 5.1.3 The supply of specific deliverable sites should also include a buffer (moved forward from later in the plan period) of;
- a) *5% to ensure choice and competition in the market for land; or*
 - b) *10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year; or*
 - c) *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply*

5.2 Determining the Target

- 5.2.1 Paragraph 60 of the NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. On the basis of the latest standardised methodology calculation, the housing need for Sevenoaks is 711 dwellings per year for the period 2016-2026.
- 5.2.2 Needless to say, this is considerably greater than both the current target and current delivery rate and represents a fundamental change in how the Council will need to approach housing applications going forward to address this stark contrast in housing numbers.

5.3 Past Delivery

- 5.3.1 The latest Housing Delivery Test results were published by the Ministry for Homes, Communities and Local Government in January 2021 and show that Sevenoaks achieved only 70% delivery - a further drop from the 2019 findings. This performance automatically triggers the presumption in favour of sustainable development.
- 5.3.2 We also have some concerns about the accuracy of the latest HDT results owing to the disparity in figures between the Council's published position and that of the formalised results. The Housing Delivery Test Action Plan Table 3 identifies significantly less completions than listed in the HDT results. We provide a comparison for ease.

Year	SDC Results	HDT Jan 2021
2017/18	378	388
2018/19	254	500
2019/20	426	414
Totals	1,058	1,302

Comparison of HDT Test results 2021 and The Housing Delivery Test Action Plan Table 3

- 5.3.3 In terms of the ability to meet the five year housing land supply requirement, the Council's Housing Delivery Test Action Plan (table 4) identifies **a total 5 year supply of 2,210 homes**, which equates to a supply position of 2.6 years and a deficit of 2,056.
- 5.3.4 Having regard to the published information, the supply requirement is materially worse if one factors in recent under delivery. We set out an alternative position on how the target should be calculated taking account of the deficit.

	No. of Dwellings
Requirement	
SM Requirement – 2016 to 2026	7,110
Completions – 2016 to 2020	1,370
Remaining Requirement – 2020 to 2026	5,740
Deficit Accrued to Date	-1,474
Revised Annual Target (5 x 711)	3,535
Deficit Recovery (Sedgefield)	1,474
20% buffer	1,002
Requirement with 20% Buffer	6,011 (1,202 pa)

Current 5YHLS Requirement

- 5.3.5 Based on our revised assessment, the Council's current position is materially worse and closer to a shortfall of 4,000 homes with a housing land supply of just **1.83 years**.
- 5.3.6 Notwithstanding the difference of opinion, the 5 year housing land supply position is at best 2.6 years. This is a grave shortfall in supply and policies for the supply of housing are agreed to be out of date.
- 5.3.7 Finally, we would highlight that Table 2 (entry iv) of the Housing Delivery Test Action Plan identifies a total of 107 homes that can be identified within urban confines and included in the supply calculation. This represents a further example that the Council's urban supplies are all but entirely depleted and there is a genuinely urgent need to release housing now to address the undersupply. Given the local plan situation, only development controls can do this in the near to medium term.

5.4 Summary and Caveat

- 5.4.1 The above chapter summarises why Sevenoaks District Council is currently unable to demonstrate a five-year housing supply. Furthermore, it provides evidence that

delivery rates have been inconsistent and erratic for a period far longer than can be attributed solely to the publication of the NPPF and the changing requirements. The past delivery and failure of the emerging Local Plan demonstrates an unequivocal need for the Development Management system to intervene and take a more permissive stance towards applications such as the current development proposal.

- 5.4.2 Given the published position is open to little dispute, the applicant has chosen not to interrogate the supply components in any further detail. However, this should not be read as confirmation that we accept or agree that the Council’s published components are robust. To the contrary, we have significant concerns regarding a number of the sites identified as deliverable within the initial 5-year period and we reserve the right to revisit the above calculations and deliverability should a five year supply be claimed.
- 5.4.3 Finally, notwithstanding the importance of a housing land supply, the development plan as a whole is out of date on the basis that it is inconsistent with the NPPF and fails to set in place a strategy to boost the supply of housing and meet the borough’s housing need. The out of date status of the plan is a further reason to engage the ‘tilted balance’, whilst delays to the emerging plan further exacerbate the need for the Development Control system to intervene.

6 GREEN BELT ASSESSMENT

6.1 Context

6.1.1 As outlined at Chapter 4, paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

6.1.2 Nonetheless, there are a number of exceptions (para 145g) including:

‘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; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority’.

6.1.3 On the basis that the site is brownfield, the proposal falls to be considered in the context of the first limb of paragraph 145(g).

6.1.4 The PPG (Paragraph: 001 Reference ID: 64-001-20190722) outlines what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

6.1.5 Having regard to the above, there is little doubt that the application scheme would be substantially smaller than the building it replaces. We also consider it would represent a more typical feature in the context of the area than the current modern mixed use building and operation. Furthermore, a residential use generates significantly less vehicle movements than the established use, whilst also offering the opportunity to return a large extent of the land back to a natural state.

6.1.6 From a local perspective, the adopted development plan is out of date insofar as the Green Belt policies do not direct the decision maker how to interpret the provisions of para 145(g). Accordingly, the pragmatic approach would be to apply a consistent approach with other similar adopted local Green Belt policies. For example, for proposals to replace or extend a dwelling in the Green Belt, policies GB1 and GB4 of the ADMP adopt a floorspace assessment, albeit the wider policy requirements also state that the design and volume of the replacement must not

materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

- 6.1.7 A straight comparison between the existing and the proposed shows that the existing building comprises a footprint of 782 sqm with a volume of 6,203 m³. The illustratively proposed dwellings would create a footprint of 490 sqm (**37.5% reduction**) and 3380m³ (**45.5% reduction**).
- 6.1.8 The ridge height would be comparable to the existing building, whilst eaves heights would naturally be reduced owing to the unique characteristics of the existing building.
- 6.1.9 Whether looking at footprint, mass or height, it is clear that the proposal would deliver a significant net reduction in all forms and that the proposal would not have a materially greater impact upon Green Belt openness based on a quantitative assessment.
- 6.1.10 Whilst the proposal would introduce a domestic use within the countryside, this would not be an alien feature given the wider local context. Furthermore, the residential curtilages have been deliberately kept a minimum so that any domestic paraphernalia is kept compact and in close proximity to the buildings.
- 6.1.11 In our view, even if domestic paraphernalia were to occur, this would be transient in nature and easily reversible in time, which links back to the second bullet of the above mentioned PPG guidance.
- 6.1.12 With this in mind, even allowing for some harm from the domestication of the land, the proposal leads to a significant benefit in Green Belt openness and so the proposal patently passes the test set out within paragraph 145(g) of the NPPF.

6.2 Very Special Circumstances

- 6.2.1 For the reasons outlined above, we consider the proposal represents an appropriate form of development. Nonetheless, should the Council take an alternative view, we consider that Very Special Circumstances apply to justify allowing the development to proceed. These arguments are advanced in full within chapter 8.

7 PLANNING CONSIDERATIONS

7.1 Principle of Development

Development Plan

- 7.1.1 Policies LO1 and LO8 of the Sevenoaks Core Strategy form the key strategic basis for determining the application. Policy LO1 states:

'Development will be focused within the built confines of existing settlements.

The Sevenoaks urban area, which includes Sevenoaks town, Riverhead, Dunton Green, Chipstead and Bessels Green, will be the principal focus for development in the District in accordance with Policies LO2 and LO3.

Swanley will be the secondary focus for development with the emphasis on maintaining and enhancing its role and promoting regeneration to meet the needs of the local community in accordance with Policies LO4 and LO5.

Edenbridge will be a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area it serves in accordance with Policy LO6.

New Ash Green, Otford and Westerham will be locations for limited development in accordance with Policy LO7 The Service Villages, listed in Policy LO7 will be locations for small scale development consistent with the requirements of Policy LO7.

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 and the High Weald and Kent Downs Areas of Outstanding Natural Beauty, where relevant. Development will be located to avoid areas at risk of flooding'.

- 7.1.2 Taking the components in turn; policy LO1 states that development will be focused within the built confines of existing settlements. However, the term 'focused' is worded in such a manner so as not to be absolute. It does not state that development will wholly be restricted outside of the built confines. To the contrary, the policy is worded in that manner owing to the fact that Green Belt policy supports redevelopment in the Green Belt where it is appropriate development. Accordingly, no direct conflict occurs as a result of the site being situated outside of settlement confines, policy LO1 simply imposes an urban sites first approach to development.
- 7.1.3 The second to fourth paragraphs have regard to the settlement hierarchy and approach to development within the principal areas of the district, so these are not applicable to the site.
- 7.1.4 The fifth paragraph states that the Service Villages, listed in Policy LO7 (including Eynsford) will be locations for small scale development consistent with the requirements of Policy LO7. Such development should "be of a scale and nature

appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated.”

- 7.1.5 In my view, the proposal seeks small scale development consistent with the role and function of Eynsford and its hinterland.
- 7.1.6 It is therefore the final paragraph of policy LO1 which is most relevant provides so far as relevant that (i) priority will be given to protecting the rural character of the District and, in the Green Belt, (ii) development will only take place where it is compatible with policies for protecting the Green Belt.
- 7.1.7 As to the first, evidence is presented that no harm will be caused in relation to the rural character. To the contrary, the scheme gives priority to protecting the rural character of the District by seeking to develop brownfield commercial land and reserve greenfield land.
- 7.1.8 As to Green Belt policies, there is no conflict with the development plan suite of Green Belt policies that the Council could reasonably point to. The development is also compatible with policies for protecting the Green Belt given paragraph 145(g) of the NPPF makes provision of the complete redevelopment of a brownfield site.
- 7.1.9 Given this context, and as the proposal represents appropriate and fully complies with policy LO1.
- 7.1.10 Policy LO8 of the Core Strategy (2011) has regard to the Countryside and the rural economy. It states:

'The extent of the Green Belt will be maintained.

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. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.

Particular regard will be given to the condition and sensitivity of the landscape character and securing the recommended landscape actions in the proposed SPD to ensure that all development conserves and enhances local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided.

Development that supports the maintenance and diversification of the rural economy, including development for agriculture, forestry, small scale business development and rural tourism projects, and the vitality of local communities will be supported provided it is compatible with policies for protecting the Green Belt, the Kent Downs and High Weald Areas of Outstanding Natural Beauty conserves and enhances the value and character of the District's woodland and the landscape character of other rural parts of the District and that it takes account of infrastructure requirements'.

This is a policy that is focused in the main in relation to the preservation of the countryside. However, the site is not proposed for removal from the

Green Belt designation. To the contrary, the scheme seeks to replace a bulky and substantial brownfield use for another that would better reflect the prevailing character of the area. There will, therefore, be no conflict with this aspect of the policy.

As to the remainder of the policy, the countryside would be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected. The site is not open countryside, nor characteristic of the wider surrounding landscape. The site is brownfield land. It is my view that well designed housing would be just as characteristic for the rural setting than the established storage lawful use’.

- 7.1.11 In light of the above context, the proposal complies with policy LO8 and there is no clear or reasoned conflict.
- 7.1.12 Notwithstanding the compliance with policies LO1 and LO8, both of these policies are now substantially out of date and require a Local Plan review to bring them in line with up to date national planning guidance.
- 7.1.13 We draw this conclusion because policy LO1 of the Core Strategy (2011) is predicated on a planning strategy that seeks to deliver only 165 dwellings per annum (dpa) and restricts development focus to settlement confines only. In terms of the legitimacy of this as a long term strategy, one only has to look at Table 2 entry iv) of the Housing Delivery Test Action Plan, which identifies that only 107 homes can be identified within urban confines over the coming 5 year period.
- 7.1.14 Based on the need to plan for 711 dpa, development needs cannot be met with a focus on the existing urban confines, and if one were to do so only some 2.5% of the five year housing requirement would be met . The housing land supply context is the most extreme that we have witnessed and it is accepted by the Council that development needs cannot be met within without substantial encroachment into Green Belt land.
- 7.1.15 The additional housing increase and the depletion of urban site opportunities were both highlighted and accepted as part of the ongoing development plan review process, with the Council promoting major Green Belt release prior to the plan’s failure owing to the Duty to Cooperate. At the time of writing, the Council is continuing legal proceedings to challenge the Inspectorate’s failure of the plan, which effectively shows continued support for the strategy (the Council has applied for permission to appeal to the Court of Appeal having not succeed in the High Court).
- 7.1.16 Given the extremity of the uplift in housing need, utilisation of brownfield sites such as this represent the next best available opportunities pending the completion of a comprehensive plan review.
- 7.1.17 Turning to policy LO8 of the Core Strategy2011 and the desire to conserve the distinct features of the countryside, the objectives of protecting countryside remain consistent with the requirement of the NPPF. Indeed, the proposal is fully compliant and by utilising this brownfield land it will help safeguard genuine areas of countryside from development. However, policy LO8 is not in reality a Green Belt policy. Indeed, the policy is manifestly inconsistent with the NPPF as it provides blanket restrictions does not identify what comprises appropriate

development (and in this case more particularly fails to make provision for the complete or partial redevelopment of a brownfield site, which is endorsed by paragraph 145(g) of the NPPF) and fails to identify that inappropriate development can be brought forward where there are very special circumstances.

- 7.1.18 Finally, whilst the objectives of protecting valued countryside remains consistent with the NPPF, the unmet development needs of the district mean there will have to be some inevitable loss of it. Indeed, the Council accept that greenfield land will need to be released in order to facilitate the required development needs and the Council is promoting the creation of a new free standing village (2,500 homes) within open countryside at Pedham Place. Any conflict with this part of the policy (if alleged) must carry greatly reduced (very limited) weight as a consequence.
- 7.1.19 In summary, there is compliance with the core policies of the development plan, but even if conflict were to be established, the out of date nature of the policy, the unmet housing need and the depletion of urban resources mean that the conflict associated must be afforded much reduced weight. The policies do not represent a reasonable basis for withholding consent.
- 7.1.20 In respect of the wider policies, policy SP1 states that 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. The need for good design remains consistent with the NPPF and so the policy continues to carry full weight. The scheme will comply with this policy.
- 7.1.21 Policy SP5 has regard to housing size and type and states that the Council will expect new housing development to contribute to a mix of different housing types in residential areas. Given the Government’s agenda to provide the right homes in the right location the objectives of policy SP5 remain consistent with the NPPF and carry full weight. We say the proposed unit sizes is reflective of the local surroundings and most appropriate for its setting.
- 7.1.22 Policy SP7 expects new housing to be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. The need for good design remains consistent with the NPPF and so the policy continues to carry full weight. The scheme will with this policy as density is dictated by the Green Belt policy constraint.
- 7.1.23 Policy SP11 seeks to protect biodiversity potential. The need for biodiversity protection remains consistent with the NPPF and so the policy continues to carry full weight. Evidence is presented to demonstrate compliance with policy SP11.
- 7.1.24 Policy EN1 (Design Principles) of the Allocations and Development Management Plan (2015) has regards to core design principles and states that proposals which would create high quality design and meet the relevant criteria will be permitted. This policy remains consistent with national planning policy. The proposal does not conflict with the requirements of policy EN1.
- 7.1.25 Policy EN2 (Amenity Protection) seeks to protect amenity and states 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, and is not located in areas where occupiers of the

development would be subject to, excessive noise, vibration, odour, air pollution, activity or vehicle movements, 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. These principles and levels of protection remain consistent with the NPPF and so should be afforded full weight. The scheme is thought to fully comply with this policy.

- 7.1.26 Policy T1 (Mitigating Travel Impact) states that new developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. This policy remains consistent with the NPPF and the scheme complies and the proposal result in a net reduction of vehicle trips when compared with the lawful storage use. There will also be a reduction in heavy goods traffic.
- 7.1.27 Policy T2 (Vehicle Parking) requires vehicle and cycle parking provision in new residential developments to be in accordance with KCC interim Guidance note 3 to the Kent Design Guide. This policy remains consistent with the NPPF and the proposal complies.
- 7.1.28 Policy T3 seeks to deliver electric vehicle charging points. A full strategy for electric vehicle charging can be secure via condition.
- 7.1.29 In summary, the proposal complies with the development plan and should therefore be approved without delay.

7.2 Key Material Considerations

Emerging Sevenoaks District Council Documents

- 7.2.1 The Draft Local Plan endorses redevelopment of previously developed sites in the Green Belt and extends the definition of 'brownfield' to include agricultural land owning to the important contribution that farm sites can play in delivering new homes.

Housing Need and Supply

- 7.2.2 Regard must be had to the extent of the housing shortfall in Sevenoaks, which is a significant material consideration.
- 7.2.3 The current published supply position and housing delivery test results are addressed within chapter 5 and so not repeated here.
- 7.2.4 In the absence of a five year supply of housing land, and inadequate past delivery, the Council's planning policies cannot be considered up-to-date and therefore applications must be determined in accordance with the Governments presumption in favour of sustainable development until the shortfall can be addressed (NPPF paragraph 11, footnote 7).

Self Build Need

- 7.2.5 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced

plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

- 7.2.6 At present there is a registered requirement for 114 units on the Self Build Register with an identified need for these within the Darent Valley.

Ecology

- 7.2.7 Greenspace Ecology has carried out an Ecological Appraisal of the site and the information is submitted in support of the application.
- 7.2.8 The closest designated site is Otford to Shoreham Downs SSSI which lies approximately 0.3km north-west of the site and the closest non-statutory site is Auston Lodge Valley LWS which lies approximately 0.4km east of the site. The site also lies within Otford to Shoreham Downs SSSI IRZ however, the proposed development does not meet the criteria that would warrant further consultation with Natural England. Due to the small-scale and localised nature of the proposed development, it is not considered likely to affect any of these designated areas.
- 7.2.9 The closest ancient woodland site lies 0.4km west of the site. This distance is well beyond the 15m buffer recommended by Natural England the Forestry Commission when working near ancient woodland sites and consequently, development of the site will have no detrimental impact on this or any other areas of ancient woodland.
- 7.2.10 The on-site habitats are common and widespread and no further botanical surveys are required.
- 7.2.11 The development will have no detrimental impact to any NERC s41 HPI due to its small-scale, localised nature and the distance between the site and priority habitats.
- 7.2.12 Habitats within the site provide no opportunities for badger sett creation and no further surveys for the species are required.
- 7.2.13 The building within the site was deemed to have Negligible suitability to support roosting bats and no further surveys for this species are required.
- 7.2.14 The trees within the site were deemed to have Negligible suitability to support roosting bats and no further surveys are required.
- 7.2.15 There is suitable foraging or commuting habitat present along the site boundaries and within the surrounding areas. The proposed development is not anticipated to affect suitable foraging and commuting habitats. As a result, bat activity surveys are not required in this instance. However, since lighting can be detrimental to bats using vegetation for foraging and commuting, any external lighting proposed for the development should be sensitive to these boundaries commuting features, avoiding direct illumination of them, for example through the use of directional and low-level bollard lighting. The Institution of Lighting Professionals (ILP), in partnership with the Bat Conservation Trust (BCT), has published guidance relating to bats and lighting.

- 7.2.16 Evidence of barn owls was found during the inspection of B1. However, the building does not provide suitable nesting habitat and no further surveys for barn owls are required.
- 7.2.17 The building and trees within the site provide suitable habitat for nesting birds. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and it is recommended that works to these areas (where necessary) are conducted outside the core breeding period for birds of late February – August inclusive.
- 7.2.18 Habitats within the site are of sub-optimal suitability for GCN and limited in their extent across the site, with refugia limited to a rubble pile and brash pile. Therefore, further surveys for GCN are considered disproportionate. In order to discourage GCN from colonising, the grass should be kept in its current short, well-maintained state.
- 7.2.19 Although limited suitable terrestrial habitat for GCN is present on the site, no waterbodies were identified on or within 250m of the site and as a result, GCN are deemed to be likely absent from the site. No further surveys for the species are required.
- 7.2.20 No evidence of hazel dormouse was identified within the site and no suitable habitat will be affected by the proposed development. No further surveys for the species are required.
- 7.2.21 Habitats within the site are of sub-optimal suitability for reptiles and limited in their extent across the site, with refugia limited to a rubble pile and brash pile. As a result, further surveys for reptiles are considered disproportionate. In order to discourage reptiles from colonising the site, the grassland should be kept in its current short, well-maintained state.
- 7.2.22 Beyond those noted above, there are no obvious and immediate issues regarding other protected species on the site and no further surveys to determine the presence of other protected species is required in this instance.
- 7.2.23 Opportunities to include biodiversity enhancements within the site exist and in accordance with the requirements of the NPPF the following recommendations are considered appropriate for the site:
- The installation of bird boxes onto the buildings within the site would benefit a diversity of bird species;
 - The installation of bat boxes in suitable locations would increase the site's potential for roosting bats. These boxes should be installed at a height of 3m or more or at eaves height on sunny, sheltered aspects, away from direct illumination by artificial lighting and in a location, which ensures connectivity to foraging habitats within the wider landscape.
 - As the site sits well over 1km away from any major roads and contains suitable foraging habitat the erection of a barn owl box nest box within a suitable tree within the site would enhance the site for this species.

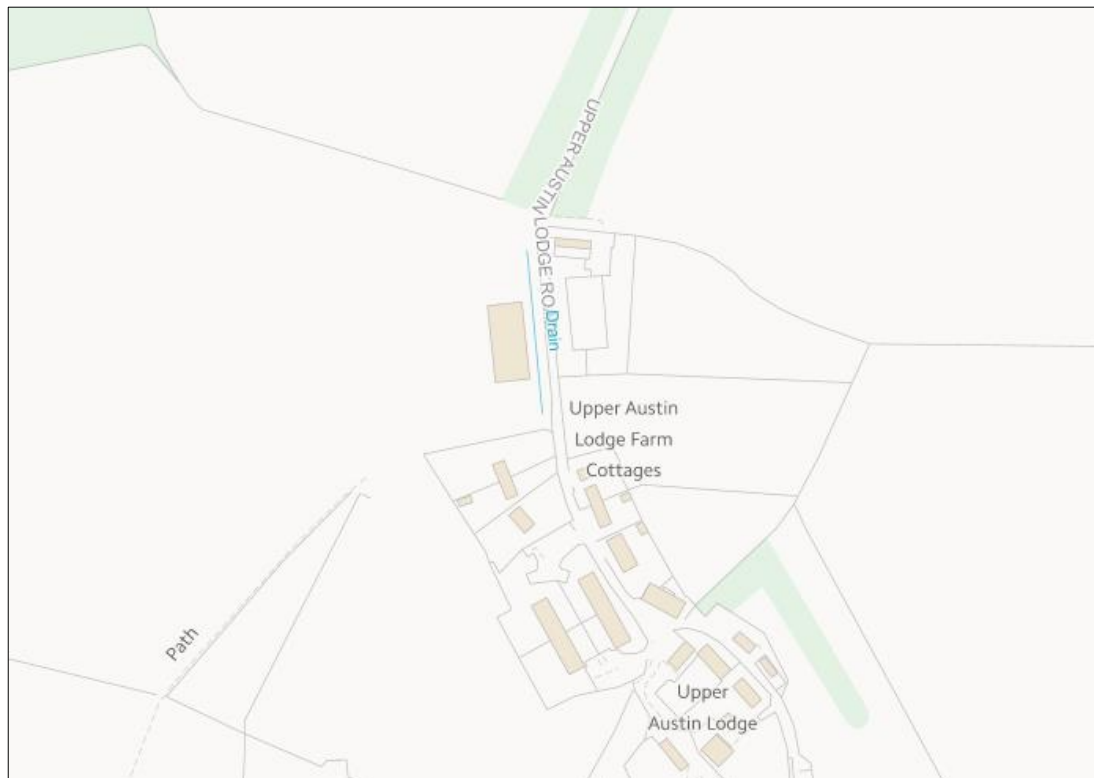
- The incorporation of a wildlife-friendly planting scheme, using native plant species, would be of benefit to invertebrates and subsequently species such as birds and bats.
- Any tree planting should be undertaken using native species such as pedunculate oak, small-leaved lime *Tilia cordata*, black poplar *Populus nigra*, wild service tree *Sorbus torminalis* or similar.

7.3 Tree Impact

- 7.3.1 It is recommended that trees are retained where possible. Retained trees should be protected in accordance with British Standard (BS) 5387:2012 'Trees in relation to design, demolition and construction'.

7.4 Flood Risk and Drainage

- 7.4.1 Paragraph 157 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is approached on a sequential basis.



Extract from EA Flood Map for Planning

- 7.4.2 The development site is located entirely within Flood Zone 1 and as such is considered to satisfy the sequential test. Planning Practice Guidance Table 1, "Flood Zones", determines all classes of land development are appropriate in Flood Zone 1 and an exception test is not required.
- 7.4.3 This flood risk assessment determines that the development site is at low risk of flooding from other sources.

7.5 Public Rights of Way

- 7.5.1 Public Rights of Way, SD199 and SD201 lie to the east and south of the barn respectively. Whilst the proposed works would not directly impact upon these public footpaths, measures will be put in place to ensure that during any works the Public Rights of Way are not stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed.

7.6 Contamination

- 7.6.1 The application is accompanied by a Preliminary Site Investigation & Risk Assessment Report prepared by Lustre Consulting.
- 7.6.2 The Phase 1 Desk Study has determined that there is a limited potential for contamination to be present on site in a circumstance which could lead to risks to identified receptors. The historical agricultural use of the site and barn may have resulted in contamination of shallow soils. The exposure of contaminants such as asbestos, PAH, TPH, and metals associated with the former barn use in the areas of proposed soft landscaping is the main risk driver.
- 7.6.3 Further limited investigation is required to refine the risk assessment and validate the conceptual site model. Validation sampling of shallow soils is recommended which would aim to determine the suitability of existing soils for the proposed garden areas (i.e. testing of soils within the top 0.6m). The investigation should also include areas below the current building floor slab.

7.7 Visual Impact

- 7.7.1 A Landscape and Visual Appraisal (LVA) has been prepared by Briarwood Landscape Architecture by a Chartered Member of the Landscape Institute.
- 7.7.2 In summary, the LVA concludes that the proposed residential development would not materially change the key landscape characteristics or elements and features, identified in either the published landscape character assessments for the local landscape of the AONB or the author's own assessment. The existing pattern of arable agricultural fields, paddocks and woodland containing both the site and Upper Austin Lodge as whole, would continue with the proposals in place.
- 7.7.3 The proposals would remove the current existing storage barn which, although not uncharacteristic of the local area, makes no appreciable contribution to the appearance or character of the landscape. The proposed development themselves would positively contribute to the character of the local landscape. Such a contribution would be made by introducing a style of residential development, in the form of two new dwellings that would represent high quality contemporary design. Through the use of appropriate materials and landscaping the new dwellings would both conserve and enhance the rural surroundings of the AONB in accordance with national and local policy.
- 7.7.4 The proposals would be detailed so as to respond to the existing landform of the site so that its general profile and gentle rise north to south would continue to be evident. The existing vegetation along the site's northern, eastern and western

boundaries, would be retained as part of the proposals and would continue to help provide a degree of visual enclosure to the proposed development.

- 7.7.5 The existing tree and hedgerow resource on the site would be reinforced and enhanced through new planting. Once established, this new planting would begin to make a positive contribution to the site and the wider landscape.
- 7.7.6 The physical characteristics of the surrounding wider landscape of the Kent Downs AONB beyond the site and its predominantly rural, farmed, nature would be materially unchanged with the proposed residential development in place. The landscape is accommodating of a wide variety of human influences including infrastructure and settlement but retains the natural beauty for which it is designated as an AONB. In this context, the sight of the proposed development would not unduly affect the visual experience and perception of the landscape's character. The existing pattern and landcover of the landscape comprising woods, fields, rural lanes and isolated properties and settlements over an undulating topography would all continue with the proposed residential in place.
- 7.7.7 The opportunity to view the site and the proposed development from publicly accessible locations in the wider landscape is limited. Such views that are afforded are typically in close or very close proximity to the site boundary and from the public right of way network and the public highway. Other locations are private with no public access.
- 7.7.8 In general, the proposed development, even from publicly accessible locations, would typically be screened from view by the presence of changes in the local topography, existing built form or vegetation or a combination of all these elements in the intervening landscape between the observer and the site boundary. Where it is evident, the proposed development would typically be seen only as discrete elements rather than in its entirety.

Ultimately, the LVA concludes that the proposed development would have a limited effect that would not be unacceptable on the visual amenity of the wider landscape beyond the site boundary.

7.8 Overall Sustainability

- 7.8.1 At the heart of the NPPF is the presumption in favour of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 7.8.2 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These being economic, social and environmental objectives.
- 7.8.3 An economic role includes contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. In this respect, the site is suitable, sustainable, available and deliverable for

development, and would help contribute to the borough’s immediate housing need.

- 7.8.4 Household expenditure generated by future residents will help to support economic activity locally and help to sustain the jobs and services within the local area. The new dwellings will also contribute to the public purse in respect of Council Tax and the New Homes Bonus. The scheme will also be capable of contributing to local services and infrastructure.
- 7.8.5 A social objective includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.
- 7.8.6 The proposed development seeks to provide for a quality residential development to meet the needs of the local population. The proposed development can provide two additional family homes that will help meet this supply and therefore can positively contribute towards the social role identified in the NPPF.
- 7.8.7 From an environmental role, the proposal would not involve the loss of land that is of high agricultural or ecological value nor is it within a flood risk area.
- 7.8.8 In summary, we consider that the application represents a sustainable form of development.

8 THE PLANNING BALANCE

8.1 Decision Making Framework

- 8.1.1 Having regard to the test set out at S38(6) of the Planning and Compulsory Purchase Act 2004, it is our view that the proposal complies with the development plan and so should be approved without delay.
- 8.1.2 With regard to assessing the planning balance, the presumption in favour of sustainable development is engaged owing to the implications of the HDT results and the lack of five year housing land supply. Furthermore, as set out within preceding chapters, there is evidently an inconsistency between the Development Plan and the NPPF insofar as the development plan makes no provision for full development needs to be met and Green Belt policies are out of date and do not set parameters for Brownfield redevelopment that reflects the provisions of paragraph 145(g) of the NPPF.
- 8.1.3 With this in mind, the application should be decided on a presumption in favour of sustainable development, granting permission unless the application of policies provides a clear reason for refusing the development proposed.
- 8.1.4 To this end, paragraph 145(g) explicitly supports the redevelopment of brownfield land and the footprint, floorspace, height and volume decreases in comparison to the existing context all indicate that the impact of development on Green Belt openness will be reduced. Therefore, it cannot be considered 'inappropriate development' and there is no policy that provides a clear reason for refusal on this basis. Even if it were deemed inappropriate development, very special circumstances exist which further fall in line with NPPF parameters.
- 8.1.5 Given this context, the 'tilted balance' applies. For decision-taking this means approving any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The key aspect of the presumption is granting planning permission unless the adverse consequences of doing so significantly and demonstrably outweigh the benefits. Consequently, it would now be wrong for the Council to undertake a simple balancing between positive and negative factors related to this proposal. Until a plan is up to date it is only proposals that have adverse effects markedly ("significantly") outweighing the benefits overall and would constitute development that was unsustainable and should not be granted.
- 8.1.6 The presumption does not indicate that permission should be granted unless the balance was only a little against the grant of permission. Paragraph 11 is part of a pro-development policy, which has the effect of radically tilting the balance in favour the benefits
- 8.1.7 As set out within the sections above, the proposal contributes to a number of the core objectives of the development plan. This includes the provision of much-needed housing within the district. In this regard, I draw attention to appear reference APP/G2245/W/20/3260956 for Salts Farm, Fawkham whereby the Inspector allowed 26 dwellings. In reaching his decision the Inspector not only had regard to the grave supply position, but also the exhaustion of non-Green Belt sites:

39) *The Council's grave position as regards providing sufficient housing is compounded by what are limited options for building within urban areas. The Strategic Housing Land Availability Assessment (2018) (SHLAA) identified only 21 sites within identified settlements that would yield a maximum 709 units. The remaining categorised sites that the SHLAA identified are all in the Green Belt. A significant proportion of the Council area is also protected by Area of Outstanding Natural Beauty designations. The site's largely previously developed land status and its proximity to nearby settlements is favourable for its development for housing in this regard.*

40) *With the current position of the draft Local Plan, there is a reliance on development management to remedy this detrimental situation. With regard to the proposal before me, it would make a worthy contribution of 26 dwellings to addressing the shortfall. There is also no substantive evidence before me that the proposal would not be deliverable. Indeed, up to the implementation of the care home permission, the site was on the Council's Brownfield Register. Under the Framework, land on the register is that which authorities consider to be appropriate for residential development. Overall, the proposal would support the Government's objective of significantly boosting the supply of homes. This attracts very significant weight as a consideration in favour of the proposal.*

- 8.1.8 Allowing the proposal will further increase the supply of housing land and even though small scale, will still deliver two much needed homes on a developed site. The weight to be attributed to the additional housing is also very significant given the identified under delivery, the volatility of the Council's housing supply and the uncertainties regarding the timetable for achieving a successful plan review.
- 8.1.9 The proposed mix of housing would be compatible with the local rural surroundings, which consists of largely family homes.
- 8.1.10 Density would make best use of the site whilst also providing a net benefit in Green Belt openness. In this respect there would be an overall reduction in building heights, footprint, floorspace and volume to the substantial benefit of Green Belt openness.
- 8.1.11 From a short term perspective, provision of housing will contribute to local construction employment. Some construction jobs will be located on the site itself, others will be based in the District, with some further afield within the construction supply chain. The jobs will also vary in type, from elementary occupations (e.g. site labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors). The development of this scheme has the potential to draw upon local labour and help the effort to reduce unemployment.
- 8.1.12 Alongside its role in supporting employment creation, the construction industry is a good source of training and skills development, including apprenticeships. This is important at a time when young people face particularly acute barriers to entering the workforce.
- 8.1.13 Household expenditure generated by future residents will also help to support economic activity locally, including businesses providing household goods and services, transport service providers and the leisure industry. Increased household

expenditure will flow to the retail and food and accommodation businesses present in the locality, helping to sustain the jobs and services which these facilities provide into the future. Household expenditure will also be captured by businesses further afield.

- 8.1.14 In summary, the benefits associated to the development are substantial and relate specifically to the Council’s development plan objectives and emerging evidence base for the new Local Plan.

Harm

- 8.1.15 We accept that the site lies beyond the established limits to build development and within the Green Belt, but this does not result in har, To the contrary, Sevenoaks District is a rural one where a large portion wish to live beyond the built up areas.

- 8.1.16 Furthermore, it is common ground that the established settlement boundaries cannot deliver the full housing need, and the Council’s emerging Local Plan made clear that decision makers must look beyond the established settlement boundaries to brownfield sites.

- 8.1.17 Beyond this conflict with out of date objectives, there is likely to be extremely limited adverse impacts and no direct policy contravention.

Balance

- 8.1.18 Having regard to all of the matters outlined above, it is our view that the benefits of the proposal are genuine and tangible and directly respond to the objectives of the adopted development plan. The harm does not outweigh the distinct benefits.

- 8.1.19 This being the case, the proposal complies with the development as per the requirements of S38(6) of the Planning and Compulsory Purchase Act 2004. Furthermore, if conflict were to arise, material considerations justify a departure from those out of date policies.

8.2 Very Special Circumstances

- 8.2.1 For the reasons outlined above, we consider the proposal represents an appropriate form of development on a brownfield site. Nonetheless, should the Council take the view that the site is not previously developed land, or, the redevelopment of the site would have a materially greater impact upon the openness of the Green Belt (and thus offend Paragraph 145(g) of the NPPF), we consider Very Special Circumstances apply.

- 8.2.2 The development would provide a valuable contribution to the District’s housing supply. The weight to be attributed to this benefit is heightened by the districtwide housing need. Indeed, based upon Sevenoaks District’s annual housing requirement of 711 homes per annum, an uplift of more than four times the adopted Core Strategy housing target of 165 per annum is needed.

- 8.2.3 The benefit of providing housing in the short term also needs to be considered against the Council’s own evidence base, which confirms only 107 additional homes can be delivered on urban sites without building on Green Belt land. The

stark reality is that there must be a step change in the way that the Council undertakes its strategic planning function and brownfield/developed sites such as this must become the priority to minimise greenfield release.

- 8.2.4 The Government’s Housing Delivery Test results further emphasise that the Council’s past delivery rates fall well short of a level that reflects the compelling local need, with the presumption now engaged owing to past under delivery.
- 8.2.5 As outlined, the Council’s housing land supply currently stands, at best, at 2.6 years supply, with a deficit of thousands of homes. The failure of the Local Plan, the lack of five year housing land supply and the absence of a reasonable timetable for addressing the unmet need means that the development management process must step in to ensure a consistent level of delivery.
- 8.2.6 The proposed development would be likely to attract fewer vehicle trips than the approved commercial storage and agricultural use. Furthermore, the reduction will take a substantial number of large vehicles off the local road to the benefit of highway safety.
- 8.2.7 Based upon the findings of the preliminary risk assessment and site walkover submitted with the application, a number of potential small scale contaminant sources have been identified. Redevelopment would provide the opportunity to identify any such hotspots, mitigate them and remove the future risk.
- 8.2.8 The NPPF (175) requires that local planning authorities aim to enhance biodiversity when determining planning applications and opportunities to incorporate biodiversity in and around proposals should be encouraged. Accordingly, enhancement measures are detailed within this submission for the species present and, in addition, to provide opportunities for additional wildlife to achieve a net increase in biodiversity on site.
- 8.2.9 In summary, the following benefits are on offer as a result of the scheme;
- (a) Provision of 2 dwellings in an area of unmet need and supply deficit in excess of 2,000 homes;
 - (b) Opportunity to deliver two plots that are likely to be suitable for self build needs in an area with an identified need;
 - (c) A substantial reduction in built form (37.5% reduction in footprint and 45.5% reduction in volume).
 - (d) Fewer vehicle trips across the day than the established lawful commercial use;
 - (e) Reduction in heavy goods/large vehicles on the surrounding road network;
 - (f) A range of proposed ecological enhancements;
 - (g) A strategy for the remediation of the contaminated land;
 - (h) Provision of housing will contribute to local construction employment;

- (i) Alongside its role in supporting employment creation, the construction industry is a good source of training and skills development, including apprenticeships. This is important at a time when young people face particularly acute barriers to entering the workforce;
- (j) Household expenditure generated by future residents will also help to support economic activity locally.

8.2.10 This being the case, the harm by reason of inappropriateness, and any other harm, would clearly be outweighed by compelling benefits so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

9 CONCLUSION

9.1 Summary

- 9.1.1 This statement has been prepared on behalf of Hawkspare Consultants Ltd in respect of a phased full planning application for the demolition of mixed use commercial and agricultural premises and the erection of two family dwellings at Upper Austin Lodge Farm Barn, Upper Austin Lodge Road, Eynsford.
- 9.1.2 The application is submitted on a specific phased basis so as to allow the opportunity for the units to be made available as self build plots should this approach be attractive to the local market.
- 9.1.3 The site is occupied by a large former agricultural building which has been clad following planning permission ref: 18/01669/FUL, and subsequently part converted (500 sqm) to B8 storage and distribution following the issue of a Lawful Development Certificate (ref 20/00484).
- 9.1.4 Following the implementation of the commercial use, the building is largely underutilised and no longer required for the operational needs of the landowner. As such, a comprehensive redevelopment is now being sought.
- 9.1.5 The site is located within the Metropolitan Green Belt, where paragraph 145(g) of the NPPF allows for the redevelopment of previously developed land provided the proposal would not have a materially greater impact upon the openness of the Green Belt. The development proposal achieves this objective. Indeed, as outlined within our Green Belt assessment, a comparison between the existing and the proposed shows that there would be substantial betterment in openness terms. The existing building comprises a footprint of 782 sqm with a volume of 6,203 m³. In contrast, the illustratively proposed dwellings would create a footprint of 490 sqm (37.5% reduction) and 3380m³ (45.5% reduction).
- 9.1.6 In respect of wider aspects of openness, there would be a less intensive use and significant visual enhancement.
- 9.1.7 There are no other technical constraints that would prohibit development. To the contrary, a number of environmental benefits will occur.
- 9.1.8 The above considered, there would be no conflict with the development plan and so we respectfully request that planning permission be granted.