



## SUPPORTING PLANNING STATEMENT

2 Home Farm Cottages, Hodsoll Street, Sevenoaks TN15 7LD

June 2021

# SUPPORTING PLANNING STATEMENT

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In support of a retrospective application for the

**Change of Use of a Residential Outbuilding to A Sui Generis Dog Grooming Use.**

*At*

**2 Home Farm Cottages**

**Hodsoll Street**

**Sevenoaks**

**TN15 7LD**

*On behalf of*

**Mr & Mrs Rutherford**

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# 1. Introduction

- 1.1. This statement has been prepared on behalf of Mr & Mrs Rutherford in support of a retrospective planning application for the change of use of a residential outbuilding at 2 Home Farm Cottages, Hodsoll Street, Sevenoaks TN15 7LD to a sui generis dog grooming use.
- 1.2. This application is submitted following discussions with Sevenoaks District Council Planning Enforcement Officers, as detailed within [Section 3](#) of this Statement, and seeks to regularise the current use of the site which has been in place for in excess of 8 years.
- 1.3. This statement considers the proposal in relation to the context of the site, relevant local and national planning policies and requirements and all other material planning considerations.

## Supporting documents

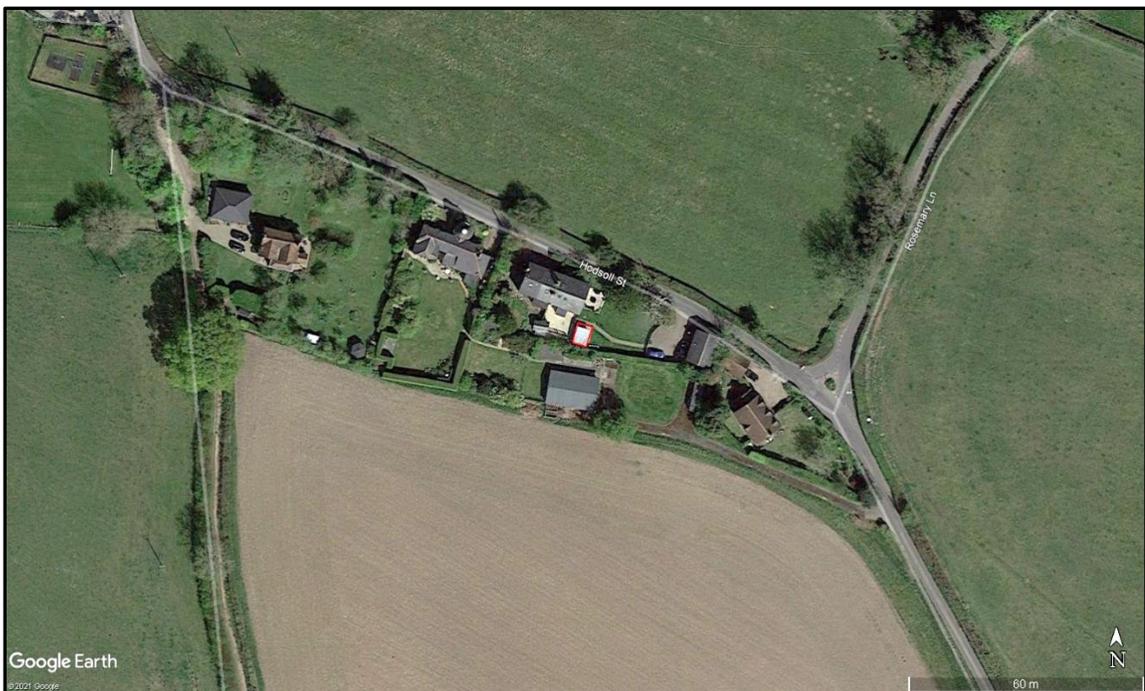
- 1.4. This statement should be read in conjunction with the following supporting plans and documents submitted as part of this application:

PP-09911322	Application Forms	-
P.18.034.2513	Supporting Planning Statement	Bloomfields Ltd
TPMS(AC)-DOC-01.2001 V2.0	Acoustic Survey	Ensafe Consultants
01A/2513	Site Location Plan	Bloomfields Ltd
02B/2513	Existing Block Plan	Bloomfields Ltd
03/2513	Proposed Block Plan	Bloomfields Ltd

**Table 1:** Application Documents

## 2. Site Context

- 2.1. 2 Home Farm Cottages is a semi-detached property set within approximately 0.1ha of land comprising a double garage; driveway and parking area; a number of residential outbuildings; and the application building.
- 2.2. The site is accessed from Gravesend Road (A227) via Hodsoll Street and is largely surrounded by detached dwellings and equestrian buildings set within generous plots of land. Beyond this, the wider landscape predominantly comprises agricultural land with sporadic settlements and farmsteads.



**Figure 1:** Aerial image of the site (outlined in red) courtesy of Google Earth.

- 2.3. Immediately adjacent to the site, to the west, is the attached cottage known as “L’Abri”. The application building is partially obscured from views from “L’Abri” by a 1.7m high close-boarded fence and brick wall, and a shared outbuilding.
- 2.4. To the north of the site is agricultural land, separated from the site by Hodsoll Street. This land has most recently been used to graze cattle. Mature hedgerows and vegetation completely obscure views of the building from Hodsoll Street.

- 2.5. To the south-east of the application site is the residential property known as “Honeysuckle House”. This property is located some 40m from the application building, providing plenty of separation between the sites. “Honeysuckle House” is also screened by the existing double garage building, trees and vegetation.
- 2.6. There are two active stable buildings to the south of the site belonging to Little Oast, which are rented out and accessed off Hodsoll Street just south of Honeysuckle House 80m down the road.
- 2.7. The application building has a floorspace of approximately 12.2m<sup>2</sup>, measuring 3.6m wide by 3.4m deep with a 0.7m deep roof canopy. The building is of timber construction, comprising a timber frame; shiplap cladding externally; 100mm of insulation and plyboard internally; small double-glazed windows on the east and south elevations; and double doors on the northern elevation. The roof is constructed of 75mm insulation, with a ply roof coated in fibre glass for weatherproofing. Internally, the building is equipped for dog grooming purposes, comprising all necessary equipment, including a hydraulic grooming table and bath.
- 2.8. The building is reliant on the main dwellinghouse, for all of the utilities necessary to function as a business, including water, electricity and drainage which are all supplied from the main dwelling.
- 2.9. The Sevenoaks District Interactive Planning Map shows that the application building is located within Hodsoll Street Conservation Area and the Metropolitan Green Belt. The site is within Flood Zone 1 and not subject of any other planning constraints.

### **Planning History**

- 2.10. Following a search of Sevenoaks District Council’s online database, aside from historic permissions for a two-storey extension of the dwellinghouse in 1990 (application reference 90/00334/HIST) and a double garage in 1997 (application reference 97/00991/HIST) there have been no other recent planning applications on the site.

### 3. Background

- 3.1. In February 2013 the applicants contacted Sevenoaks District Council by telephone to ask if planning permission was required for the operation of a dog grooming business on the site. They were advised verbally that it was not considered that the submission of a formal planning application was required. Thus, no application was submitted.
- 3.2. The business use commenced on the 20<sup>th</sup> March 2013, and was originally operated from a smaller residential outbuilding to the north of the site (outlined in purple in figure 2 below) until late August 2015.
- 3.3. The business operations were then moved to another existing residential outbuilding within the site (outlined in green in figure 2 below) which has subsequently been continuously used for dog grooming purposes until present day.



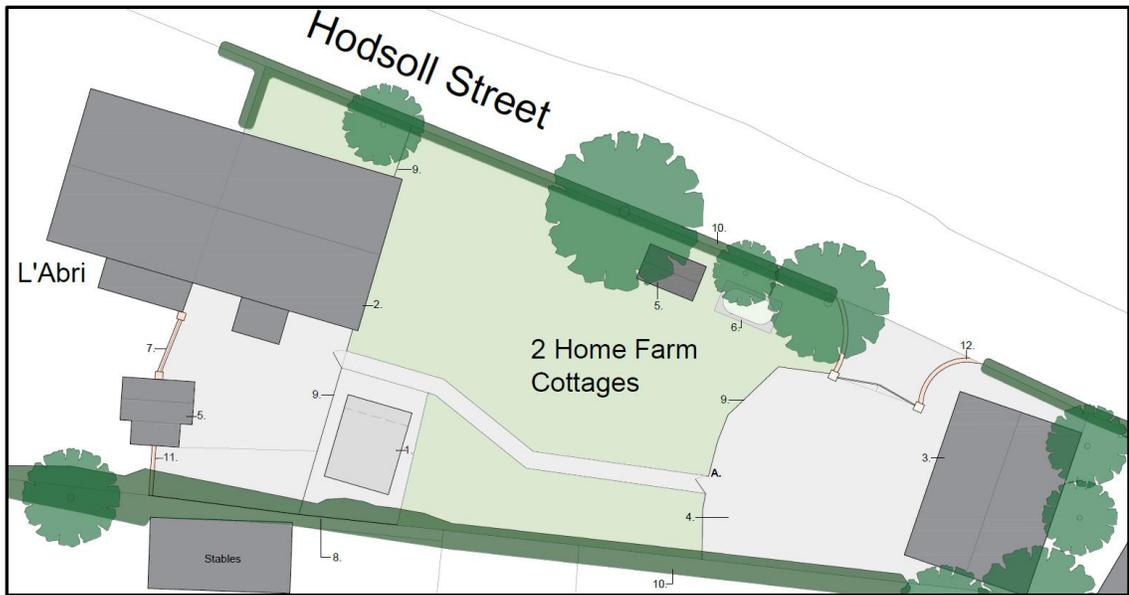
**Figure 2:** Existing Site Plan (taken from drawing 02/2513) showing the smaller outbuilding outlined in purple and the larger “application” building outlined in green.

- 3.4. The smaller outbuilding was returned back to residential use in August 2015, and has remained as such.
- 3.5. A Sevenoaks District Council Enforcement Officer visited the site on the 8<sup>th</sup> June 2020 and advised the applicants verbally that due to the amount of time that the building had been in situ and the use had been in operation that no action was considered to be necessary.

3.6. On the 6<sup>th</sup> January 2021, a further Enforcement Officer made contact with the applicants and advised that they considered that planning permission was in fact required for use of the building. Thus, the applicants are seeking to regularise this matter.

## 4. Proposal

- 4.1. This application seeks retrospective planning permission for the continued use of a former residential outbuilding at 2 Home Farm Cottages, Hodsoll Street, Sevenoaks TN15 7LD in connection with a dog grooming business (sui generis) which has served the community for in excess of 8 years.
- 4.2. The applicants have operated the business from the site since the 20<sup>th</sup> March 2013 and attends to many of the dog owners in the local area.
- 4.3. The business operates Monday to Saturday between 09:00am to 17:00pm, there are no proposed changes to this. During this time an average of 5-7 dogs are groomed per day, equating to less than one dog an hour. It is worth noting here that the number of dogs groomed per day can vary, for example the number of bookings largely decreases during the winter months.
- 4.4. Bookings are managed to ensure that there is only one customer on site at any one point. Additionally, a collection/drop-off service is offered, along with the option of home visits for less mobile clients, therefore some of the dogs being groomed are off site.
- 4.5. If dropping off/collecting their dog, clients will park in the parking and turning area to the east of the site (as indicated by figure 3 over the page) and meet the groomer at point A. Due to the stringent booking system there is limited opportunity for a cross over period in which more than one client is dropping off/picking up at any one time and footfall to and from the building is extremely limited.
- 4.6. With this said, the parking and turning area which serves the site is capable of accommodating at least 3no. cars which are kept available for the use of the business during operating hours.



**Figure 3:** Existing Site Plan (taken from drawing 02/2513).

- 4.7. As aforementioned in Section 2, the building comprises a timber structure with 100mm of insulation, a ply and fibre glass roof and double-glazed windows.
- 4.8. Aside from the mitigation measures recommended within the Acoustic Assessment submitted with this statement and at paragraph 7.15 of this report (including the erection of a close board fence), there are no proposed changes to the existing operations set out above, nor to the building itself. This application is purely seeking to regularise the way that the business has been operating for the past 8 years.

## 5. Planning Policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that “a *determination must be made in accordance with the plan unless material considerations indicate otherwise*”.
- 5.2. For the purpose of this planning application, the Development Plan comprises the Core Strategy Development Plan Document, the Allocations and Development Management Plan and Sevenoaks District Council Supplementary Planning Document: Development in the Green Belt.
- 5.3. In addition to the development plan the National Planning Policy Framework (NPPF) was updated in February 2019. The NPPF sets out the Government’s requirements and policies for planning in England and must be taken into account as a material planning consideration. Of particular importance is Annex 1 of the NPPF, which sets out the weight to be afforded to existing development plan policies. **Paragraph 213** states that “*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.
- 5.4. This section of the statement highlights the relevant parts of the NPPF and Council’s development plan in respect of this application, along with the weight that should be afforded to the existing adopted policies.

### National Planning Policy Framework

- 5.5. Achieving sustainable development is the core objective for the planning system, with the premise that sustainable development should go ahead without delay, meaning that permission should be granted unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits, when assessed against the policies within the Framework as a whole.
- 5.6. **Paragraph 8** advises that the three overarching objectives to sustainable development are the economic, social and environment objectives, which give rise to the need for the planning system to perform a number of roles:

- a) *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *to support strong, vibrant and healthy communities, by [...] fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and”*
- c) *“to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land”*

5.7. **Paragraph 10** adds further that, at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, with **Paragraph 11 (c)** and **(d)** stating that for decision-taking this means:

- c) *“Approving development proposals that accord with the development plan without delay; and*
- 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 planning 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 when taken as a whole.”*

5.8. At a strategic level, **Paragraph 20** of the NPPF details that those policies should set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure and other commercial development (amongst others). Footnote 12 clarifies this to be *“in line with the presumption in favour of sustainable development”*.

- 5.9. In respect of building a strong, competitive economy, **paragraph 83** states that *“planning policies and decisions should enable:*
- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
  - b) *the development and diversification of agricultural and other land-based rural businesses;”*
- 5.10. **Paragraph 84** then goes on to set out that *“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*
- 5.11. In respect of the Green Belt, **paragraph 133** of the NPPF advises that the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt are identified as their openness and permanence. **Paragraph 134** details the five purposes of the Green Belt designation. These include:
- a) *“to check the unrestricted sprawl of large built-up areas;*
  - b) *to prevent neighbouring towns merging into one another;*
  - c) *to assist in safeguarding the countryside from encroachment;*
  - d) *to preserve the setting and special character of historic towns; and*
  - e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 5.12. While **Paragraph 146** states that *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”* Among others, this includes:

- d) *“the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) *material changes in the use of land”*

5.13. **Paragraph 189** of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted”*.

5.14. **Paragraph 190** adds further that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”*.

5.15. The NPPF states in **Paragraph 38** that Local Planning Authorities should approach decision-taking in a positive way, encouraging decision-takers to approve applications for sustainable development where possible, with **Paragraph 55** advising further that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.16. Guidance relating to the use of planning conditions is set out within Planning Practice Guidance: Use of Planning Conditions (the “PPG”) and within **paragraphs 54** and **55** of the NPPF.

5.17. **Paragraph 55** of the National Planning Policy Framework (NPPF) is clear that planning conditions should only be imposed where they are:

- Necessary
- Relevant to planning and to the development to be permitted
- Enforceable

- Precise and;
- Reasonable in all other aspects

### **Local Planning Policy**

5.18. For the purpose of this planning application, the Local Development Framework consists of the Sevenoaks District Core Strategy, which is the key strategic planning document that underpins the Local Plan and sets the principle for development in the District over the period to 2026; the Allocations and Development Management Plan, which allocates specific sites for new development, defines protected sites designates Green Belt boundaries and contains detailed planning policies; and the Supplementary Planning Documents for development within the Green Belt, which was adopted in 2015.

### **Sevenoaks District Core Strategy**

- 5.19. The Core Strategy was adopted in 2011, prior to the publication of the NPPF, in line with regional policy in the now deleted South East Plan. It is, therefore, in parts inconsistent with current national planning policy within the NPPF.
- 5.20. The Core Strategy sets out the general approach to scale and location of development but does not deal with specific development sites or detailed policy issues, which are addressed in subsequent supplementary planning documents.
- 5.21. **Policy LO7** sets out the policy for development in rural settlements, in respect of services and facilities. It states that *“The loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served, or where it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable. The Council will support and encourage innovative proposals to improve provision of services and facilities to serve the local community, subject to any development being of a scale and character appropriate to the area.”*

- 5.22. **Policy LO8** seeks to ensure that the Green Belt is maintained and the countryside and its distinctive features are protected and where possible enhanced. It goes on to state that *“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.”*

### ***Allocations and Development Management Plan***

- 5.23. The Allocations and Development Management Plan was adopted in February 2015 (post-NPPF) and allocates specific sites for new development, defines protected sites, designates Green Belt boundaries, contains detailed planning policies and replaces all remaining saved policies from the Sevenoaks District Local Plan, 2000.

- 5.24. **Policy SC1** of the Allocations and Development Management Plan reflects the requirements of the NPPF and states that the Council will take a positive approach that reflects the presumption in favour of sustainable development. It sets out that the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.

- 5.25. It refers specifically to instances where there are no policies relevant or relevant policies are out of date at the time of decision-making, and states that *“the Council will grant permission unless material considerations indicate otherwise - taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

*Where appropriate to the proposed development, proposals should have regard to:*

- a) *the compatibility and suitability of the proposal to its location;*

- b) *the impact of the proposal on the surrounding environment, landscape, habitats and biodiversity, including the Green Belt and Area of Outstanding Natural Beauty;*
- c) *the contribution to creating balanced communities;*
- d) *the conservation and enhancement of the Districts cultural heritage;*
- e) *the contribution to and impact on the District's economy; and*
- f) *the impact on existing infrastructure and contribution to new supporting infrastructure.”*

- 5.26. **Policy EN2** seeks to provide adequate residential amenities for existing and future occupants of the development, whilst also safeguarding the amenities of occupants of nearby properties. Namely, 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.
- 5.27. **Policy EN4** seeks to protect heritage assets and states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 5.28. **Policy EN7** considers noise pollution and states that development that would not have an unacceptable impact will be permitted.
- 5.29. **Policy GB7** refers to the re-use of a building within the Green Belt and the criteria that must be met; including that the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area.

#### ***Development in the Green Belt Supplementary Planning Document***

- 5.30. The Council's Supplementary Planning Document for development within the Green Belt was adopted in 2015 (post-NPPF), to provide detailed guidance for development located within the Green Belt.

- 5.31. In respect of the re-use of buildings in the Green Belt the SPD acknowledges that there is pressure in rural areas to convert existing buildings to residential or commercial use. And goes on to state that *“in accordance with Core Strategy Policy SP 8 - Economic Development and Land for Business, the reuse of existing buildings for a commercial use that would make a positive contribution to the rural economy is preferred to residential conversion in the Green Belt.”*

### ***Hodsoll Street Conservation Area Appraisal***

- 5.32. The Hodsoll Street Conservation Area Appraisal was undertaken in December of 2003 to define the key elements of the locality that together give the area its character, and objectively analyse how they interact to enhance their individual impact. The document also provided suggestions for future policies and improvements.
- 5.33. At the time of the appraisal, the Conservation Area did not include the application site, nor did the appraisal make any recommendation for it to be included in the future, therefore the appraisal’s relevance to this proposal is fairly limited.
- 5.34. 2 Home Farm Cottages was not included within the Conservation Area until 2006 when it was recommended by the Environment Select Committee that it formed part of the setting approaching the village as a farm cottage historically associated with Home Farm House.

## 6. Analysis

### Principle

- 6.1. As already detailed, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“a determination must be made in accordance with the plan unless material considerations indicate otherwise”*.
- 6.2. As the Core Strategy, ADMP and Green Belt SPD were adopted prior to the publication of the updated NPPF, in 2019, these documents are, in part, inconsistent with National Planning Policy requirements.
- 6.3. Furthermore, in the absence of up-to-date local plan policies the NPPF is clear that the balance tilts in favour of policies within the NPPF, which requires planning applications to be considered within the presumption in favour of sustainable development.
- 6.4. Sustainable development is defined within paragraph 8 as having three overarching objectives, being economic, social and environmental, which give rise to the need for the planning system to perform a number of roles:
  - a) *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) *to support strong, vibrant and healthy communities, by [...] fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and”*
  - c) *“to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land”*

- 6.5. To this end, in respect of an economic objective, the NPPF supports the sustainable growth of rural businesses, both through conversion of existing buildings and well-designed new buildings. Specifically, paragraph 84 states that *“decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.”*
- 6.6. Regularisation of this existing use would help to maintain the economic contribution that this typically rural business within a rural setting makes to the growth of the local economy. Since the business serves at most one dog an hour, it is not considered that the trips generated by the business would have an unacceptable impact on the local road network.
- 6.7. In terms of a social objective, the business has clearly met current local community needs during its time of operation in the past 8 years. It is considered that its location within 1 mile of 6 settlements at Hodsoll Street; Culverstone Green; Vigo; Fairseat; Stansted; and Ridley mean that it is physically well related to existing settlements as a rural business. Again, the continued operation will allow the business to provide for future community needs.
- 6.8. As set out further in this statement, in respect of an environmental objective, the use of this small business is not considered to have a detrimental impact on the natural, built or historic environment and makes effective use of this building.
- 6.9. It is therefore considered that the proposed use meets the three strands of sustainable development.
- 6.10. Paragraph 11 of the NPPF adds further that in respect of decision-taking sustainable development means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant 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.*

6.11. This is supported at a local level with Policy SC1 of the Allocations and Development Management Plan reflecting the requirements of the NPPF, stating that the Council will take a positive approach that reflects the presumption in favour of sustainable development.

6.12. It refers specifically to instances where there are no policies relevant or relevant policies are out of date at the time of decision-making, and states that *“the Council will grant permission unless material considerations indicate otherwise - taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

6.13. Policy SC1 goes on to set out that, where appropriate to the proposed development, proposals should have regard to a specific criteria which has been considered in turn over the page:

- a) *the compatibility and suitability of the proposal to its location;*
- b) *the impact of the proposal on the surrounding environment, landscape, habitats and biodiversity, including the Green Belt and Area of Outstanding Natural Beauty;*
- c) *the contribution to creating balanced communities;*
- d) *the conservation and enhancement of the Districts cultural heritage;*
- e) *the contribution to and impact on the District's economy; and*
- f) *the impact on existing infrastructure and contribution to new supporting infrastructure.”*

- 6.14. While these are all matters that are considered in turn later on in this report, it is noteworthy that this is a small rural business that is diversifying the facilities available to the local community for which there is a clear demand. In respect of criterion a), as set out in paragraph 6.7 previously the rural location of the building as well as its situation within 1 mile of 6 larger settlements makes it a largely accessible, but also compatible and suitable site.
- 6.15. With regards to criterion c) and e) policy LO7 of the Core Strategy state that *“The loss from rural settlements of services and facilities that serve the local community will be resisted where possible.”* This application proposes to allow for the continued use of a rural business, which serves the local community, contributes to the district’s economy, and is of a scale and character appropriate to the area.

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

- 6.16. Restrictive policies are stated within the NPPF to include those relating to land designated as Green Belt, which is relevant to the application site.
- 6.17. The National Planning Policy Framework states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open”*. Paragraph 143 advises that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 6.18. Exceptions to this are set out within paragraphs 145. Paragraph 146 describes how in addition to these, *“certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”* Among others, this includes:
- f) *“the re-use of buildings provided that the buildings are of permanent and substantial construction;*
  - g) *material changes in the use of land”*
- 6.19. As already detailed, this scheme seeks retrospective planning permission for the continued use of this former residential outbuilding for dog grooming purposes. The building is of permanent and substantial construction, as already detailed. Thus, it does not constitute inappropriate development in the Green Belt.

6.20. Providing of course that the use does not conflict with the five purposes of the Green Belt (Paragraph 134), namely:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

6.21. In respect of purpose 4, the building is located within the Hodsoil Street Conservation Area, therefore consideration has been given as to whether the use would conflict with the purpose of preserving the setting and special character of the area at paragraph 6.30 over the page.

6.22. However, to summarise, given the rural nature of the area, surrounded by commercial stables, sporadic farm settlements and agricultural fields, this small rural business is not considered to be out of character with, nor to have a detrimental impact upon the setting of the Conservation Area. As such, the proposed development would not conflict with any of the purposes of the Green Belt.

6.23. Accordingly, the development does not conflict with any specific policy requirements within the NPPF, thus development should not be restricted on this basis.

6.24. At a local level, planning policy relating to development in the Green Belt is contained within Core Strategy policy LO8, which seeks to ensure that the Green Belt is maintained and that the countryside and its distinctive features are protected and enhanced. Policy LO8 sets out that development which supports the maintenance and diversification of the rural economy including development for small scale businesses, providing that it is compatible with policies for protecting the Green Belt will be supported at a local level.

- 6.25. In respect of the re-use of buildings in the Green Belt, the SPD acknowledges that there is pressure in rural areas to convert existing buildings to residential or commercial use. And goes on to state that *“in accordance with Core Strategy Policy SP 8 - Economic Development and Land for Business, the reuse of existing buildings for a commercial use that would make a positive contribution to the rural economy is preferred to residential conversion in the Green Belt.”*
- 6.26. To this end, it is clear that the re-use of this former residential outbuilding for the existing dog grooming business, which has been operating from the site for 8 years, makes a positive contribution to the rural economy in accordance with local requirements.
- 6.27. Local policy GB7 goes on to add further that the re-use of a building within the Green Belt will be permitted providing that *“a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character”*.
- 6.28. In this case, a full structural survey is not considered necessary given that there are no alterations being proposed to the building, which would have a material impact on its structural integrity. In respect of criterion a), the use of the building itself is not considered to have a materially greater impact on the openness of the Green Belt as the building is already in existence, and no further means of enclosure are necessary on site as a result of it.
- 6.29. It is therefore submitted that the proposed re-use for dog grooming purposes complies with the requirements of national and local Green Belt planning policy, thus the principle of the use should be considered by the Council to be acceptable.

### **Impact on the Conservation Area**

- 6.30. National planning policy requires that local planning authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal. As previously detailed, the application building is located on the edge of Hodsoll Street Conservation Area.

- 6.31. Despite not being included within the original 2003 Conservation Area Appraisal, the application building and dwellinghouse were later added to the Hodsoll Street Conservation Area in 2006. The Environmental Select Committee report stated that they formed “*the setting approaching the village, and to the picturesque weather boarded Home Farm and its associated oast and farm cottages.*”
- 6.32. Paragraph 2.25 of the ADMP recognises that *Conservation Areas are designated not on the basis of individual buildings but because of the overall quality of the area, the mix of uses, historic layout, characteristic materials, scale and detailing of buildings and open spaces. It also takes into account the need to protect trees, hedges, walls, railings and other characteristic features*”. Policy EN4 seeks to protect heritage assets and states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 6.33. As already detailed, the building which is subject to this application is already in situ, thus has already been integrated into the rural area. Nevertheless, the building is not visible from any public vantage point, and does not therefore impact on “the setting approaching the village”. Furthermore, the building is of a timber construction, which is acknowledged to be a common feature within the character of the area.
- 6.34. It is not considered that a rural business use would be out of character within the rural setting of the area and buildings surrounding it, and as such would not have a detrimental impact on the character or appearance of the area.
- 6.35. The key passage in paragraph 11 is the premise that planning permission should be granted unless the adverse consequences of doing so *significantly* and *demonstrably* outweigh the benefits. Consequently, it would now be wrong in such cases to approach the Framework by applying a simple balance between positive and negative factors. Until a plan is up to date it is only proposals that have adverse effects *significantly* and *demonstrably* outweighing the benefits overall, and constituting development that was unsustainable, that should not be granted. Paragraph 11 does not indicate that permission should be granted unless the balance was only a little bit against the grant of permission. Paragraph 14 is part of a pro-development policy, which has the effect of radically tilting the balance in favor of the grant of permission.

6.36. It is therefore submitted that the continued re-use of this former residential outbuilding for dog grooming purposes complies with the requirements of national and local planning policy. It is not considered that there are any adverse impacts of the proposed development that would *significantly* and *demonstrably* outweigh these detailed benefits.

## 7. Other Material Considerations

7.1. It is also presented that, in relation to the following material considerations for this application, that there would not be any adverse impacts that would *significantly* and *demonstrably* outweigh the benefits, in accordance with the NPPF:

- Amenity;
- Parking and highways;
- Landscaping;
- Flood risk; and
- Contamination

7.2. These matters are considered below:

### **Impact on surrounding amenity**

7.3. Local policy EN2 seeks to provide adequate residential amenities for existing and future occupants of the development, whilst also safeguarding the amenities of occupants of nearby properties. Namely, 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.

7.4. These have been considered in turn below:

### ***Noise Impacts***

7.5. Local policy EN7 considers noise pollution further and states that development that would meet the following criteria will be permitted:

- a) *“development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and*

*b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.”*

- 7.6. The Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010), (the “NPSE”) applies to all forms of noise; including environmental noise, neighbour noise and neighbourhood noise, since March 2010.
- 7.7. To this end, the NSPE details the long-term Government vision for noise policy; namely to *“promote good health and a good quality of life through the effective management of noise within the context of Government Policy on sustainable development:*
- *Avoid significant adverse impacts on health and quality of life;*
  - *Mitigate and minimise adverse impacts on health and quality of life; and*
  - *Where possible, contribute to the improvement of health and quality of life”.*
- 7.8. It should be noted that there are no numerical values for these concepts defined by the NPSE.
- 7.9. Paragraph 2.9 of the NPSE quantifies that *“sound only becomes noise (often defined as ‘unwanted sound’) when it exists in the wrong place or at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect”.*
- 7.10. Given that the business grooms at most one dog an hour, and that the grooming shed provides a calm and enclosed environment, with the building being fully insulated with double glazed windows, the noise levels associated with the building are considered to be low.
- 7.11. In this instance, it is recognised that the greatest amount of noise will be the occasional dog bark, which is not considered to be an uncommon noise from a domestic property in a rural area, particularly given the rural setting of the building, with commercial stables to the rear and agricultural fields beyond this.
- 7.12. Nevertheless, due to its proximity to surrounding residential properties, Ensafe Acoustic Consultants were instructed to undertake an Acoustic Assessment to assess the potential impact of the dog grooming business on the ambient noise environment and neighbouring residents. In undertaking this report, Ensafe contacted Sevenoaks’ Environmental Health Department and agreed a method to best quantify the noise levels at the site.

7.13. This report concluded that *“Though it is considered that whilst the dog grooming business does create some additional noise, subjectively it is not considered to be out of character with the semi-rural environment in which it is located. However, it is recommended that a noise management plan is adopted to control and minimise emissions from the site.*

*The assessment is based upon robust and worst-case assumptions and demonstrates that, in principle and subject to the incorporation of a noise management plan, there should be no adverse impact at nearby residential receptors and the Site is suitable for the promotion of the dog grooming business.”*

7.14. Throughout the survey period 22 dogs were groomed, one of which was a home visit so no activity took place at the application building. It is evident in table 2 below that, these are normal volumes for this time of year, if not higher than usual.

7 <sup>th</sup> May 2021	8 <sup>th</sup> May 2021	9 <sup>th</sup> May 2021	10 <sup>th</sup> May 2021	11 <sup>th</sup> May 2021
5 dogs	9 dogs	Sunday- outside of operating hours.	3 dogs	5 dogs
7 <sup>th</sup> May 2020	8 <sup>th</sup> May 2020	9 <sup>th</sup> May 2020	10 <sup>th</sup> May 2020	11 <sup>th</sup> May 2020
6 dogs	5 dogs	6 dogs	Sunday- outside of operating hours.	0 dogs
7 <sup>th</sup> May 2019	8 <sup>th</sup> May 2019	9 <sup>th</sup> May 2019	10 <sup>th</sup> May 2019	11 <sup>th</sup> May 2019
4 dogs	0 dogs	9 dogs	0 dogs	0 dogs

**Table 2:** Number of dogs groomed between the 7<sup>th</sup> and the 11<sup>th</sup> of May in the years 2019-2021.

7.15. The report recommended some measures to mitigate the noise from the application building, which are considered controllable by an appropriate condition or Noise Mitigation Plan. The full scope of these mitigation measures recommended are as follows:

- *“Keep bookings to one an hour;*
- *Opening hours should be restricted to between 09:00 and 17:00 hours, Monday to Saturday with no grooming to take place outside of these hours;*
- *All grooming work to be conducted inside the outhouse;*
- *Ensure that windows and doors of the outhouse are closed during grooming sessions where practicable;*

- *Ensure the outhouse is maintained in good condition, and all gaps are sealed;*
- *Consider using where practical soft furnishings inside the outhouse to reduce reverberant noise.*
- *Ensure on arrival and collection, dogs are kept outside for minimal periods.”*

7.16. It was also recommended that the close boarded fence is extended to the west of the outhouse to replace the picket fence, which is shown within the Proposed Site Plan (drawing 03/2513). This will help to further dampen any noise occurring from within the building.

7.17. It is therefore considered that the scheme is compliant with policy EN7 and any acoustic impacts will be appropriately mitigated by the above recommended measures.

***Vibration, Odour, or Air pollution***

7.18. It is not considered that the operations associated with the dog grooming use would result in any vibrations, odours or air pollution that would be detrimental to surrounding amenity.

***Activity and Vehicle Movements***

7.19. With an average of 5-7 dogs groomed per day, vehicle movements are limited to at most 1 per hour. The parking and turning area are well sheltered from surrounding residential dwellings by existing boundary treatments, separation distance, and a large double garage, such that the vehicle trips to and from the site would not adversely affect surrounding amenity.

7.20. Further still, foot fall is limited to the parking and turning area at point A where dogs are dropped off and picked up, thus it is not considered that this activity would have an adverse impact on neighbouring residential amenity.

***Overlooking or Loss of Light***

7.21. Due to the location and scale of the application building and the separation distance from neighbouring properties there is no adverse impact in terms of loss of daylight/sunlight or an overbearing impact on adjacent occupiers. There are also no windows facing towards neighbouring properties preventing any risk of overlooking.

- 7.22. It is therefore not considered that there will be any conflict with planning policy EN2 in respect of surrounding amenity.

### **Highways and parking**

- 7.23. As detailed above, the existing business grooms an average of 5-7 dogs a day throughout the year, resulting in at most 1 trip an hour to drop off/pick up dogs. It is also important to take account of the drop off/pick up service provided by the applicants, as well as the home visit service, which reduces the number of trips to and from the site and the activity within the building.
- 7.24. This level of trip generation is not considered to have a detrimental impact on the highways, as is evidenced by the fact that throughout the 8 years that the business has operated, these trips have been successfully absorbed into the local road network.
- 7.25. In respect of parking, during operating hours a provision of 3 spaces is made available. Given that the amount of time that it takes to drop off/pick up a dog is rather limited, 3 spaces are considered sufficient to absorb any cross over period between customers.

### **Landscaping**

- 7.26. There are existing well maintained mature trees and hedges around the boundary of the site, as well as brick walls and close-boarded fencing, all of which sufficiently screen the application building from neighbouring properties and the public realm. There are no changes proposed to the landscaping as part of this application.

### **Flood risk**

- 7.27. The application site falls within Flood Zone 1, as designated by the Environment Agency, therefore there is a low probability of flooding, and it is submitted that the proposal would not be detrimental to flood flow, storage, capacity and drainage within the area.

### **Contamination**

- 7.28. Paragraph 179 of the NPPF is clear that where a site is affected by contamination issues, that responsibility for securing a safe development rests with the developer and/or land owner.

7.29. The wider site is within residential use and there are no known contamination issues associated with the site.

## 8. Conclusion

- 8.1. In summary, this is a retrospective application for the continued use of a former residential outbuilding to a sui generis dog grooming use.
- 8.2. Given that over the past 8 years the dog grooming business has made, and will continue to make an economic contribution to the local rural economy; has met a clear local community need; and is sustainably located centrally within 1 mile of 6 rural settlements, it is considered that the current use would constitute sustainable development which meets the three overarching economic, social and environmental objective set out within paragraph 8.
- 8.3. This scheme would allow for the continued operation of a small rural business that has diversified the facilities available to the local community for the past 8 years. Local Policy LO7 of the Core Strategy reinforces that the loss from rural settlements of services and facilities that serve the local community will be resisted where possible, subject to any development being of a scale and character appropriate to the area.
- 8.4. Given the rural nature of the area, surrounded by stables, sporadic farm settlements and agricultural fields, the use is not considered to be out of character with, nor have a detrimental impact on the setting of the wider area.
- 8.5. The continued re-use of a building which is of permanent and substantial construction would not constitute inappropriate development in the Green Belt, as it falls within the criteria listed in paragraph 146 of the NPPF, nor would it conflict with the purposes of the Green Belt.
- 8.6. In respect of its location within the Hodsoll Street Conservation Area, it is not considered that the use of the building would have a detrimental impact on the setting of the Conservation Area. Particularly when taking account of the farmstead arrangement of the farm cottages, Oast and stables to the rear.
- 8.7. It is therefore submitted that the continued use of this former residential outbuilding for dog grooming purposes complies with the requirements of national and local planning policy. Furthermore, in line with paragraph 11, it is not considered that there are any adverse impacts of the proposed development that would *significantly* and *demonstrably* outweigh these detailed benefits.

- 8.8. The Acoustic Assessment submitted with this application has concluded that *“Though it is considered that whilst the dog grooming business does create some additional noise, subjectively it is not considered to be out of character with the semi-rural environment in which it is located.”* The building is well enclosed, comprising double glazing and insulation, with at most one dog groomed an hour. When considered in the context of the site, surrounded by residential dwellings, active stables and agricultural fields beyond that, as concluded by the Acoustic Assessment, the occasional dog bark would not be uncommon.
- 8.9. Nonetheless, the mitigation measures suggested by the Acoustic Assessment are considered to be enforceable by appropriate condition. Thus, the proposed development would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking, visual intrusion, loss of privacy or light in line with local policies EN2 and EN7.
- 8.10. With approximately one dog groomed an hour, the volume of trips generated by the scheme are not likely to, and has not over the past 8 years that the business has been in operation, have a detrimental impact on the local road network.
- 8.11. It is therefore considered that the proposal is in accordance with the National Planning Policy Framework, Policies LO7, LO8, and SP1 Sevenoaks District Core Strategy (2011) and Policies EN4, EN7 and GB7 of the Allocations and Development Management Plan (2015) and the Development in the Green Belt SPD (2015).
- 8.12. This application proposes to allow for the continued use of an established rural business, which serves the local community, contributes to the district’s economy, and is of a scale and character appropriate to the area.
- 8.13. It is respectfully recommended that this proposal is therefore approved.