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**Planning Statement prepared on behalf of Middleton Land Limited**

**The Flint Barn, Terrys Lodge Farm, Wrotham**

October 2021  
DHA/DB/15813



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# 1 Introduction

## 1.1 Overview

- 1.1.1 This statement has been prepared on behalf of Middleton Land Limited in respect of a full planning application for the conversion of a disused former flint barn into a new 3-bedroom dwelling with associated parking, amenity area and landscaping.
- 1.1.2 The barn is situated within the Metropolitan Green Belt ('MGB' or 'the Green Belt') and the Kent Downs Area of Outstanding Natural Beauty ('AONB'). As such, careful consideration has been given to design approach, to ensure the development would not result in any adverse impacts.
- 1.1.3 In principle, the re-use of an existing building is an 'appropriate' form of development within the countryside as defined by both the National Planning Policy Framework ('NPPF' or 'the Framework') and the Development Plan.
- 1.1.4 From a design perspective, the barn is structurally sound, capable of conversion and is of no architectural or historic merit. It also lies within a rural area where residential conversions are commonplace.
- 1.1.5 The ability to deliver a new home in the short term is extremely important given the extent of the housing land supply shortage in Sevenoaks District. Indeed, based on the Government's standard methodology for calculating housing need, the annual requirement for Sevenoaks District is 714 dwellings – more than four times the current 165 house per year target contained within the out of date Core Strategy. Furthermore, the latest Housing Delivery Test results (January 2021) require the Council to automatically apply the presumption in favour of sustainable development owing to recent under delivery.
- 1.1.6 The importance of housing need and supply is also reflected in national planning policy, which requires local authorities to provide a five-year supply of housing land. Where authorities are unable to do so, circumstances radically tilt decision making in favour of the grant of permission.
- 1.1.7 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 conversion.

## 1.2 Document Structure

- 1.2.1 This statement provides an overview of the application site and proposals. It assesses the planning merits of the scheme, having regard to any relevant planning history and the applicable planning policy framework. It concludes that the proposal is appropriate in planning terms and accordingly requests that planning permission be granted.
- 1.2.2 This statement forms part of the application and should be made available for inspection with the other application details.

- 1.2.3 Section 2 sets out the context of the site and the immediate surroundings, including the site history.
- 1.2.4 Section 3 provides details of the proposed development.
- 1.2.5 Section 4 outlines the planning policy context by which the application will be considered.
- 1.2.6 Section 5 summarises the Council’s housing land supply position.
- 1.2.7 Section 6 considers the principal of development and wider planning considerations.
- 1.2.8 Section 7 draws conclusions to justify the suitability of the development.

### 1.3 Supporting Documents

- 1.3.1 This application is supported by the following documents and plans:

Reference	Information Provided
APP1	Application Form (completed online)
CIL Form	CIL Questions Form (completed online)
<b>Reports</b>	
DHA/DB/15813	Planning Statement (DHA Planning)
-	Structural Survey (TSC Consulting Engineers Ltd)
	Preliminary Ecological Appraisal (Urban Edge Ecology)
<b>Plans</b>	
5813 01	Site Location Plan
5813 02	Existing Site Layout
5813 03	Google Earth Photographic Plan
5813 04	Existing Floor Plan and Section
5813 05	Existing Elevations
5813 06	Proposed Site Layout
5813 07	Proposed Floorplan
5813 08	Proposed Elevations

Table 1: Supporting Plans and Documents

## 2 Site Context

### 2.1 Site Overview

- 2.1.1 Terry's Lodge Farm is located approximately 2.4 miles north west of Wrotham to the south of Peckham Wood. It is located on the northern side of Terry's Lodge Road which runs from the A20 London Road in a westerly direction crossing over the M20 Motorway.
- 2.1.2 The former flint barn is somewhat detached from the main complex and benefits from its own established vehicular access on to Terry's Lodge Road.
- 2.1.3 The site is situated approximately 2.7 miles from Kemsing railway station and 4.3 miles from Otford railway station. There are several bus stops located within close distance of the site, including bus stops located on London Road A20, 0.7 miles from the site.
- 2.1.4 Whilst the site falls within Sevenoaks District boundary, the land on the eastern side of Terrys Lodge Road falls within the Tonbridge and Malling Borough boundary. This includes the Hay Barn, gained planning permission for the part demolition and conversion of the barn to provide three residential dwellings in August 2014.
- 2.1.5 In respect of constraints, the site does not lie within an area at risk of flooding according to the Environment Agency Flood Risk Map. However, it does fall within the Kent Downs AONB and Metropolitan Green Belt.
- 2.1.6 Terry's Lodge Farm House is also a Grade II listed building and registered under reference 1223106 by English Heritage. The listing description for the building is as follows:

*"WEST KINGSDOWN TERRY'S LODGE ROAD 1. 5280 Terry's Lodge Farmhouse TQ 56 SE 6/247 II 2. C18 house, altered in C19. Two storeys and attics stuccoed. Tiled roof with 2 large dormers. Five sashes with glazing bars intact on the first floor only. Door case with flat hood over."*

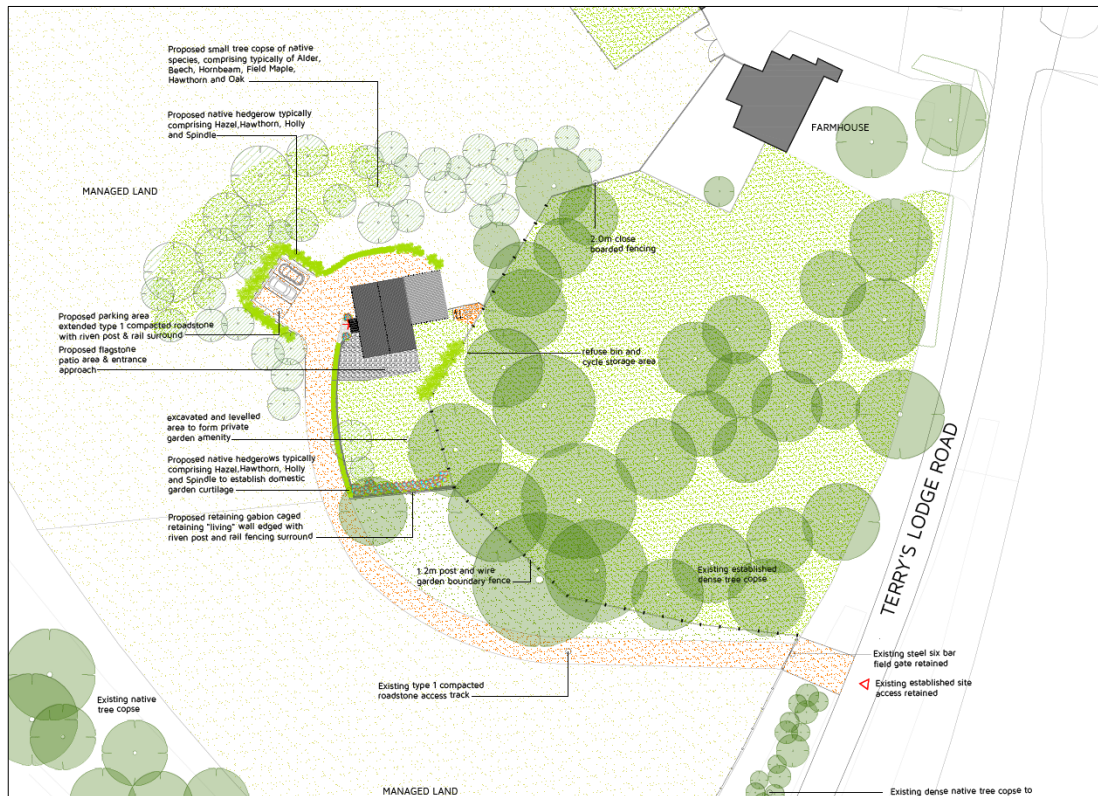
### 2.2 Planning History

- 2.2.1 There is a substantial amount of planning history for Terrys Lodge Farm. A grain store was converted to residential use following the grant of planning permission in 2017 and a former cattle barn has been replaced by 5 dwellings 19/02537/FUL, albeit these developments are of limited relevance.
- 2.2.2 In respect of the barn to which this application relates, prior notification for a change of use of part of Agricultural Building to Storage or Distribution (Class B8) was provided under application 20/00254/PAN. This was made under Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015, but is yet to be implemented.

### 3 The Proposal

#### 3.1 Overview of the Proposal

3.1.1 Full planning permission is sought for the conversion of the barn to create a new 3-bedroom dwelling with associated parking, private space and landscaping.



*Existing and proposed context elevations*

3.1.2 The proposed conversion is underpinned by a clear design rationale, which seeks to retain the established agricultural character of the area, whilst providing a sustainable re-use of the building.

3.1.3 In terms of materials, these are designed to sensitively balance the former and surrounding context while also being appropriate for the residential use and complimentary of the neighbouring schemes. Walls are constructed using combinations of vertical cladding and facing brick. The roof will be finished with slate effect tiles.

3.1.4 From a landscaping perspective, boundary vegetation will be retained and excluded from the residential areas. Indigenous landscape enhancements are proposed to soften the proposed car parking areas. The residential curtilage has been tightly defined using a rural style post and rail fence.

#### 3.2 Structural Assessment Summary

3.2.1 The proposal is supported by a structural assessment. The report should be read in full; however it concludes that the building is structurally sound and capable of conversion.

3.2.2 Notwithstanding the evidence provided, regard should also be had to the appeal decision at Vine Cottage in Penshurst APP/G2245/W/17/3181949, which also related to the conversion of a barn to a dwelling. As part of the appeal decision, the Planning Inspector considered that the complete recladding of the whole building, underpinning, the inclusion of a plinth and additional supports to the frame and roof did not amount to major reconstruction, but are just alterations. The only part of the barn that remained was the portal metal frame and ground slab which significantly exceeded the retention of 75% as set out within policy GB7 and concluded that the building was capable of conversion without major reconstruction. This therefore sets a clear benchmark that the current proposal falls patently within the scope of a building capable of conversion.



*Sample of proposed north elevation (not to scale)*



*Sample of proposed west elevation (not to scale)*



## 4 Planning Policy Framework

### 4.1 Overview

- 4.1.1 Section 38(6) of the Planning and Compulsory 2004 requires planning application to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 4.1.2 For the purposes 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' or 'the Framework') was published in February 2019. The NPPF sets out the Government's requirements and policies for planning in England and must be treated as an important 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 given to the Sevenoaks Submission Local Plan (recently failed) and the associated 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 (2021)

#### *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 Paragraph 8 states 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).

#### *Presumption in Favour of Sustainable Development*

- 4.2.3 Paragraph 11 states that 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.

### **Delivering a Sufficient Supply of Homes**

- 4.2.5 Paragraph 60 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.
- 4.2.6 Paragraph 61 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.
- 4.2.7 In terms of affordable housing paragraph 64 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.

### **Identifying Land for Homes**

- 4.2.8 To this end, paragraph 66 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.*

- 4.2.9 Paragraph 69 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.

#### ***Maintaining Supply and Delivery***

- 4.2.10 To maintain delivery and supply, paragraph 74 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.

#### ***Rural Housing***

- 4.2.11 Paragraph 79 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.
- 4.2.12 Paragraph 80 seeks to avoid the development of isolated homes in the countryside other than in limited circumstances; including where the development would re-use redundant and disused buildings and enhance its immediate setting.

#### ***Considering Development Proposals***

- 4.2.13 Paragraph 111 goes onto states the development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### ***Making Effective Use of Land***

- 4.2.14 Section 11 sets out how planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.2.15 Paragraph 120 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***

- 4.2.16 Paragraph 126 states the creation of high-quality, beautiful and sustainable 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.
- 4.2.17 Paragraph 130 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.
- 4.2.18 Paragraph 128 states design quality should be considered throughout the evolution and assessment of individual proposals.
- 4.2.19 Paragraph 134 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***

- 4.2.20 Paragraph 137 reinforces that the government attaches great importance to Green Belts, with the fundamental aim being the prevention of urban sprawl by keeping land permanently open. Paragraph 138 clarifies the five purposes of Green Belt:
1. To check the unrestricted sprawl of large built up areas;
  2. To prevent neighbouring towns from merging into one another;
  3. To assist in safeguarding the countryside from encroachment;
  4. To preserve the setting and special character of historic towns; and

5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

### ***Proposals Affecting the Green Belt***

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.

4.2.22 Paragraph 149 explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- 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.*

4.2.23 Paragraph 150 defines 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. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

- d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

### ***Conserving and Enhancing the Natural Environment***

- 4.2.24 Paragraph 174 sets out how planning policies and decisions should contribute to and enhance the natural and local environment.
- 4.2.25 When it comes to applications that affect Areas of Outstanding Natural Beauty, paragraph 176 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.

### ***Habitats and Biodiversity***

- 4.2.26 With respect to habitats and biodiversity, paragraph 179 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.
- 4.2.27 Equally proposals that conserve or enhance biodiversity to seeking net gains should be supported and encouraged.

## **4.3 Development Plan**

- 4.3.1 The Sevenoaks Core Strategy is the key component of the Council's Local Development Framework (Local Plan). It provides the overarching, strategic principles for planning and the distribution of development for the period between 2006 and 2026.
- 4.3.1 Policy LO1 of the Core Strategy controls the spread of new development. The priority is to locate new development within the most sustainable settlements, and to protect rural areas by permitting only development that is consistent with policies for the protection of the Green Belt and AONB.
- 4.3.2 Policy LO8 further seeks to conserve the distinct features of the District's countryside.
- 4.3.3 Finally, policy SP1 of the Core Strategy provides guidance on the design of new development and states that all new development should be designed to a high quality and respond to the distinctive local character of an area.

***The Allocations and Development Management Plan (2015)***

- 4.3.4 The ADMP was adopted by the Council on the 17 February 2015 and forms part of the Local Plan for Sevenoaks District alongside the Core Strategy.
- 4.3.5 Policy SC1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development and that the Council will work proactively with applicant to find solutions which mean that proposals can be approved wherever possible.
- 4.3.6 Policy EN1 has regards to core design principles and requires all development to achieve high quality design that adheres to a set criterion.
- 4.3.7 Policy EN2 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.
- 4.3.8 Policy EN5 states that The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance. Proposals that affect the landscape throughout the District will be permitted where they would:
- a) conserve the character of the landscape, including areas of tranquillity;*
  - and*
  - b) where feasible help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD’.*
- 4.3.9 Policy GB7 has regards to the re-use of a building within the Green Belt and states:
- ‘Proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:*
- 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’.*

#### 4.4 Other Material Considerations

##### ***Green Belt Supplementary Planning Document (2015)***

- 4.4.1 The Green Belt SPD sets out further guidance on how the Council will implement the policies in the Allocations and Development Management Plan and the Green Belt policies of the National Planning Policy Framework. The purpose of the guidance is to ensure consistency in decision making when determining planning applications in the Green Belt.
- 4.4.2 Paragraph 1.3 also states that the District Council will take a positive approach to development in the Green Belt that accords with the Sevenoaks District Local Plan.
- 4.4.3 Section 4 of the SPD outlines (para 4.4) the approach to conversion schemes and states that conversion of a building that requires substantial rebuilding in order to make it suitable for re-use will not be permitted. As a starting point when determining whether a proposal constitutes substantial new rebuilding, the Council will wish to see at least 75% of the original structure maintained to protect its character. However, the Council recognise that in some instances proposals may be able to protect the character of the existing building with a lesser proportion of the original structure being retained.

##### ***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 2<sup>nd</sup> 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 Pelham 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 A Judicial Review and a subsequent application to the Court of Appeal to challenge this decision have both failed and so the pre-submission plan can be afforded no weight. However, the local plan evidence remains material. Its relevance is discussed below.

### ***Strategic Housing and Economic Land Availability Assessment (SHELAA)***

4.4.8 To inform the Local Plan a 'Call for Sites' was run in 2015 to gather evidence on the availability of land. This process remained open until 31<sup>st</sup> October 2018. The findings of the Call for Sites have fed into the Council's Strategic Housing Land Availability Assessment ('SHELAA'), the most updated version of which was published in December 2018. The SHLAA provides an audit of potentially deliverable and developable sites.

4.4.9 The SHELAA identifies the following categories.

- *Category 1 Sites (sites within identified settlements)*
- *Category 2 Sites (100% already developed sites in the Green Belt)*
- *Category 3 Sites (partial already developed sites in the Green Belt)*
- *Category 4 Sites (greenfield sites in the Green Belt adjacent to identified settlements)*
- *Category 5 Sites (greenfield sites in the Green Belt in rural locations)*

4.4.10 Accordingly, the availability of land is as follows.

Category	Deliverable Sites (1-5 years)	Max Yield	Developable Sites (6-10 years)	Max Yield	Total
Category 1	15	425	6	284	709
Category 2	22	645	2	605	1,250
Category 3	46	1,233	4	740	1,973
Category 4	34	3,437	8	2,728	6,165
Category 5	N/A	N/A			10,097

*Table 2: Summary of SHELAA findings*

4.4.11 The SHELAA shows that only 21 sites are available for development within the 1-10-year period, with a total upper yield of only 709 units. These findings mirror earlier versions of the SHELAA, which also highlighted that development needs cannot be accommodated without Green Belt release.

- 4.4.12 Even with the inclusion of part and 100% brownfield sites within the Green Belt (Categories 2 and 3), these components provide the opportunity to deliver only 3,932 homes and many of these will not become available during the plan period.
- 4.4.13 The SHELAA findings highlights the importance of the delivery of unplanned/windfall housing, including where possible the re-use of developed sites.

#### ***The Sevenoaks District Countryside Assessment***

- 4.4.14 The Sevenoaks District Countryside Assessment 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. 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.
- 4.4.15 Nonetheless, as the application site is a well-established complex that will not be subject to any further intensification, the document is of very limited relevance to the current proposal.

#### ***Community Infrastructure Levy (2014)***

- 4.4.16 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

*Table 3: Approved CIL charges as at 1 January 2020*

## 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 plan<sup>38</sup>, 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. Based on the latest standardised methodology calculation, the housing need for Sevenoaks is 714 dwellings per year.
- 5.2.2 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. I 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 their five year housing land supply requirement, the latest supply calculation published September 2021 identifies **a total 5 year supply of 2,479 homes**, which equates to a supply position of 2.9 years and a deficit of 1,805 homes.
- 5.3.4 We would also 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.
- 5.3.5 Finally, we would respectfully draw attention back to appeal reference APP/G2245/W/20/3260956 for Salts Farm, Fawkham. In reaching his decision the Inspector not only had regard to the grave supply position in Sevenoaks District, but also the exhaustion of non-Green Belt sites and specifically stated (para 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'. With the current position of the draft Local Plan, there is a reliance on development management to remedy this detrimental situation'.*
- 5.3.6 The Inspector ultimately went on to conclude that the proposal would support the Government's objective of significantly boosting the supply of homes, which attracted very significant weight as a consideration in favour of the proposal.
- 5.3.7 Having regard to these findings, the Council cannot demonstrate a deliverable five-year supply of housing land as required by paragraph 73 of the NPPF and the presumption in favour of sustainable development is engaged on the basis of housing policies being out of date. The weight to be attributed to any new dwelling is substantial owing to the acuteness of the need.

## 6 Planning Considerations

### 6.1 The Principle of Development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.1.2 For the purpose of this application, the key aspect of the development plan relates to policy GB7 of the Sevenoaks Allocations and Development Management DPD (2015).
- 6.1.3 Policy GB7 allows for the re-use of buildings in the Green Belt which would 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.
- 6.1.4 Having regard to these criteria, the existing building would be re-used. Furthermore, the applicant has also provided a structural survey to demonstrate that the building is of permanent and substantial construction.
- 6.1.5 In respect of wider matters, policy EN1 of the ADMP has regard to core design principles and states that proposals that create high quality design and meet certain criteria will be permitted. In response to these criteria, the form of the proposed converted buildings would retain the scale, height and site coverage as it exists and would not result in over development. The proposals also demonstrate the use of appropriate and sympathetic materials in the design, given the sensitive nature of the proposal site.
- 6.1.6 Based on this assessment, we consider the proposal fully accords with the development plan and that planning permission should be granted, without delay, in line with the Government's presumption in favour of sustainable development.
- 6.1.7 Turning to wider material considerations, as outlined above paragraphs 149 and paragraph 150 of the NPPF states that certain forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include proportionate additions and the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposal complies with this element of national Green Belt policy.
- 6.1.8 It is also important to stress that since the adoption of the Allocations and Development Management Plan in 2015 there has been an appeal decision relating to the conversion of a building which would represent a material consideration for conversion applications. The appeal decision at Vine Cottage in Peshurst APP/G2245/W/17/3181949 related to the conversion of a barn to a dwelling. As part of the appeal decision, the Planning Inspector considered that the complete recladding of the whole building, underpinning, inclusion of a plinth and additional supports to the frame and roof did not amount to major reconstruction, but are just alterations. The only part of the barn that remained was the portal metal frame and ground slab which significantly exceeded the retention of 75% as set out within policy GB7 and concluded that the building was capable of conversion without major re-construction. This therefore sets a clear

benchmark that the current proposals and extent of structure falls patently within the scope of a building capable of conversion.

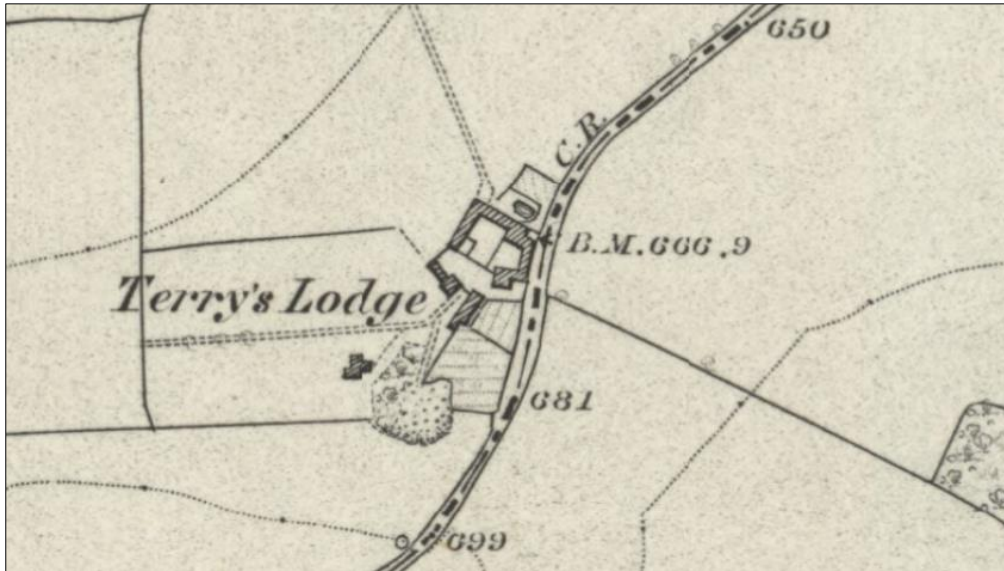
- 6.1.9 In light of this decision it would be considered that the proposal would retain sufficient elements of the existing building to protect the character of the existing buildings.
- 6.1.10 Regard must also be had to the extent of the housing shortfall in Sevenoaks District, and the failure of the emerging Local Plan, which is a significant material consideration for the reasons outlined in chapter 5.
- 6.1.11 The current published supply position has been highlighted and there is not a robust supply of housing land within the district and the current shortfall is significant. Not only are policies for the supply of housing out of date, but there is significant further concern about when an up to date Local plan can be brought into place.
- 6.1.12 In the absence of up to date policies, the application must be considered in accordance with the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay given that there are no policies that seek to restrict development.
- 6.1.13 As set out above, the proposal complies with the NPPF and so the key passage in paragraph 11 of the NPPF 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 that should not be granted.
- 6.1.14 The benefits of the proposal are the creation of a family home, the prudent use of an underutilised but structurally sound building and a range of modest enhancements (i.e. ecological and visual betterment). In contrast, there would be little or no resultant harm and certainly nothing to a level that would demonstrably outweigh the benefits.
- 6.1.15 In summary, the proposal provides an excellent opportunity to create a much-needed home in an area with growing housing need. The proposal is consistent with the wider strategic objectives of policies LO1 and LO8 of the Core Strategy and policies GB7 and EN1 of the ADMP. The principle of development is therefore acceptable.

## **6.2 Heritage Impact**

- 6.2.1 The only heritage asset that has the potential to be affected by the change of use is Terry's Lodge Farmhouse, a grade II listed building (UID: 418649) which was first listed in October 1982. The building's List Description is of an older style where information was provided merely to identify the building rather than to provide reasons for its designation or special interest. This List Description reads:

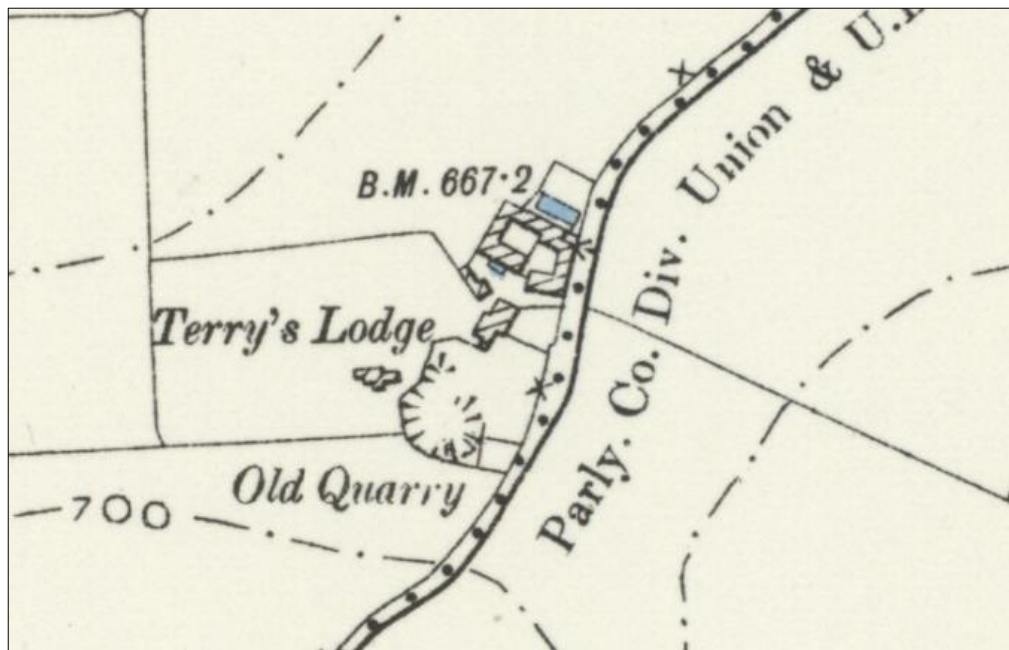
"WEST KINGSDOWN TERRY'S LODGE ROAD 1. 5280 Terry's Lodge Farmhouse TQ 56 SE 6/247 II 2. C18 house, altered in C19. Two storeys and attics stuccoed. Tiled roof with 2 large dormers. Five sashes with glazing bars intact on the first floor only. Doorcase with flat hood over."

- 6.2.2 As part of this Heritage Appraisal, an assessment of the historical Ordnance Survey maps has been undertaken to understand the development of the site.



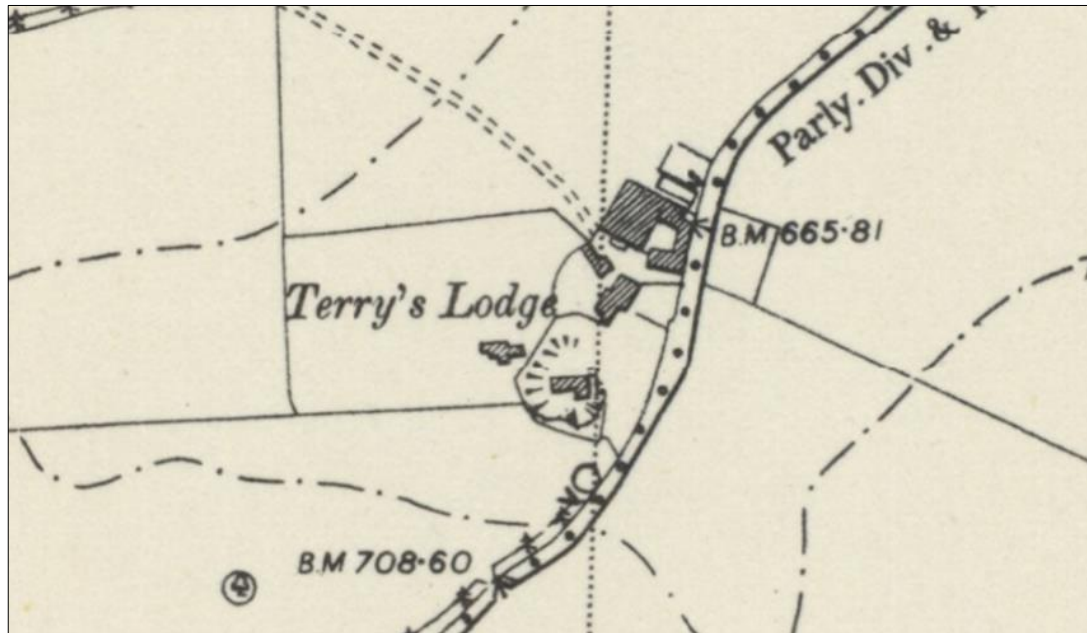
OS Map 1871 (Courtesy of NIs)

- 6.2.3 The earliest Ordnance Survey map for Terry's Lodge Farm dating from 1871 (above). The Farmhouse is evident in the centre of the site, with the animal shelter (although now much altered) to the south and other farm buildings to the north and west.



Above OS Map 1897 (Courtesy of NIs)

- 6.2.4 The 1897 OS Map (above) demonstrates that some of the built form of the site (possible rear extension to the Farm House) has altered since the 1871 map. The animal shelter to the south of the listed building has been altered along with some of the farm buildings to the north.



Above OS Map 1949 (Courtesy of NIs)

- 6.2.5 Between the 1897 OS Map and 1946 OS Map, no changes are noted to the built form at Terry's Lodge Farm. However, the 1949 OS Map (above) shows that further built form has been added to the site. A new building (now removed) has been added to the south of the Farmhouse, within an old quarry; whilst further built form has been added to the farm buildings to the north of the Farm House.
- 6.2.6 The significance of the building derived from a combination of its historic and architectural interest. This relates to a number of factors. The building's simplistic elevational detailing and architectural style provides a good example (illustrative value) of vernacular architecture of the periods of the building's construction and changes to that style in later periods. Of specific value is the way in which classical ideals of the 18th and 19th century have been presented in the vernacular building and the way in which the building's specific residential function is reflected in its built form. The building is a good illustrative example of an 18th century farmhouse which, at the time of construction, would have been of some status and import, and directly associated with the farm directly north.
- 6.2.7 The building also has some potential archaeological interest insofar as it may contain multiphase fabric and potential evidence as to past human activity.





- 6.2.8 The listed building now sits amongst a context of residential development. The setting of the building has been compromised through the introduction of the large and intrusive agricultural buildings and latterly new dwellings.
- 6.2.9 The current application site relates to an area of the setting of the listed building which is very peripheral, whilst the wider setting has undergone considerable change (there have been at least three comprehensive phases of redevelopment) and which no longer reflects the historic arrangement of the farmyard. Though the site is contextually linked to the listed building insofar as it forms part of the farm, this context has been eroded and changed through the loss of the historic farm buildings and the recent residential conversion of the former grain store. As such, this part of the setting of the listed building is considered capable of accommodating the change in use of the building without necessarily resulting in any harmful or detrimental effect on the building's significance.
- 6.2.10 Importantly, due to the siting of the barn key views of the listed structure will not be materially changed as a result of the site's residential development which would be periphery to such views. Where views and intervisibility are possible there is an opportunity for a material enhancement in comparison to the scale and aesthetics of the existing dilapidated form.
- 6.2.11 Due to the above factors, the sensitive residential development of the site as proposed could be achieved without necessarily resulting in any detrimental effect on the significance, or ability to appreciate the significance, of the listed building. Instead, re-instatement of the barn provides an opportunity for an aesthetic enhancement within the building's setting. Accordingly, the development proposed would preserve the setting of the listed building.

### **6.3 Sustainability**

- 6.3.1 There is a need to foster sustainable development which is the concept that underpins the Government's planning policy.
- 6.3.2 In terms of housing, it is confirmed that housing applications should be considered in the context of the presumption in favour of sustainable development and that there are three dimensions to sustainable development, 'economic, social and environmental'.
- 6.3.3 Socially, the proposed development would replace an underutilised building with a new home. This is particularly important in the context of the recently identified need to provide in excess of 700 new homes per year.
- 6.3.4 Consideration has been given to the environmental value of this site in terms of its landscape quality, ecology, residential amenity, land contamination, air quality, noise impact, flood risk and locational sustainability. The site is not of high ecological or agricultural potential, the site is not subject to flooding or excess impacts of noise.
- 6.3.5 In terms of impact on AONB setting, currently the existing buildings do not contribute to the distinct character, scenic quality or natural beauty of the land to any great degree. The proposed development, therefore, seeks to enhance the building's appearance with no demonstrably greater degree of bulk or building volume.

### **6.4 Design Concepts**

- 6.4.1 Paragraph 126 of the NPPF highlights the importance of good design, stating that 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.
- 6.4.2 The core design concept has been to retain the integrity of the original building and utilise its original structure to create an open and attractive living space. The design reflects the local vernacular and results to an enhancement to the immediate setting with contemporary sustainable architecture that positively responds to the nearby consented schemes and rural character of the area.

### **6.5 Flood Risk**

- 6.5.1 Paragraph 159 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.5.2 According to Environment Agency Flood Risk Mapping the site falls within Flood Zone 1 which has the lowest risk of flooding. Accordingly, a Flood Risk and Drainage Assessment is not required to support this application.

## **6.6 Arboriculture and Ecology**

- 6.6.1 The proposed conversion will not have any significant impact upon trees within the property and there are no trees that will require removal or works.
- 6.6.2 From an ecology perspective, relevant investigations form part of the submission. Urban Edge Environmental Consulting Ltd undertook a Preliminary Roost Assessment (PRA) at the above site on **23 June 2021**. The purpose of the survey was to assess the buildings on site with regards to their suitability to support roosting bats.
- 6.6.3 In summary, Building B1 was assessed as of negligible suitability for roosting bats; as such no further surveys are recommended. However, precautionary measures in relation to trees with bat roost suitability, lighting of adjacent retained habitats and the protection nesting birds are required to ensure that an offence under the relevant legislation is avoided.
- 6.6.4 No tree removal is proposed as part of this proposal.

## **6.1 Transport Impacts**

- 6.1.1 Vehicular access to the site exists via the established access from Terrys Lodge Road, which would be retained.
- 6.1.2 The proposed development would be expected to reduce vehicle trips by the cessation of use by large agricultural machinery, and so we say this would have a beneficial impact upon local highway capacity, amenity and operation. It would nor would have any severe impact on the local highway network in line with the NPPF.
- 6.1.3 Parking and turning area for the new dwelling will be provided via a private forecourt within the plot. 2no. car parking space in accordance with the KCC Interim Guidance Note 3 (IGN3) vehicle access parking standards for residential development in rural locations.
- 6.1.4 An electric vehicle charging point is proposed. This will be located by way of a free standing post adjacent to the proposed car parking spaces.

## **6.2 Impact on Residential Amenities**

- 6.2.1 The wider surrounding area is sparsely populated and is characterised by a wide variety of house types and sizes. In this regard, the layout of the proposed dwelling, combined with the proximity of the closest properties, retained natural separation afforded by dense mature vegetation and carefully formulated design means that more adequate amenity levels for both future and neighbouring occupants will be retained.

## **6.3 Impact on the Wider Landscape**

- 6.3.1 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB

will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance. Proposals that affect the landscape throughout the District will be permitted where they would:

- a) *conserve the character of the landscape, including areas of tranquillity; and*
- b) *where feasible help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD.*

6.3.2 The Kent Downs AONB Management Plan has been formally adopted by all 12 local authorities covering the Kent Downs AONB and seeks to conserve and enhance the features that contribute to the natural beauty. The plan is a material consideration when determining planning applications within the designation.

6.3.3 The Management Plan sets out a series of overarching sustainable development aims which serve to maintain a landscape in which:

- (1) AONB conversion and enhancement and sustainable development principles are the starting point of development and infrastructure plans, local policies and proposals.*
- (2) The character and distinctiveness of villages, farmsteads and individual buildings are conserved and enhanced by combining the best traditions of the past with the best technologies of the present to create environmentally sustainable and locally enhancing development.*
- (3) A positive, proactive and urgent approach is taken to the implications of climate change and intelligent and effective mitigation and adaptation responses are chosen which support landscape character and ecosystem services.*
- (4) All development achieves landscape enhancement; conservation and mitigation is delivered in every case.*
- (5) A comparatively tranquil environment is protected, conserved and enhanced.*
- (6) The setting and views in and out of the AONB are conserved and enhanced.*
- (7) New developments respect and reinforce the traditions of the past, whilst integrating sustainable technologies and sensitive new design.*
- (8) The impact of infrastructure on the qualities of the AONB is significantly reduced.*

6.3.4 As can be seen from the strategic nature of these objectives the prudent re-use of existing buildings, which are well-established within the context of the existing landscape, will not have a demonstrable impact upon the open or natural character. Furthermore, the modest amount of residential curtilage proposed would not lead to any increased harm.

## **6.4 Developer Contributions**

6.4.1 In accordance with paragraph 56 of the NPPF, planning obligations should only be sought where they meet all of the following tests:

- *Necessary to make the development acceptable in planning terms;*

- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development*

6.4.2 National Planning Practice Guidance also advises that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from non-major development.

6.4.3 Notwithstanding the above, SDC have adopted the Community Infrastructure Levy (CIL), which is a charge on any new development that creates a net additional floor space over 100 square metres or results in the creation of a new dwelling.

## 7 Summary and Conclusion

### 7.1 Summary

- 7.1.1 This statement has been prepared on behalf of Middleton Land Limited in respect of a full planning application for the conversion of a disused former flint barn into a new 3-bedroom dwelling with associated parking, amenity area and landscaping.
- 7.1.2 The barn is situated within the Metropolitan Green Belt ('MGB' or 'the Green Belt') and the Kent Downs Area of Outstanding Natural Beauty ('AONB'). As such, careful consideration has been given to design approach, to ensure the development would not result in any adverse impacts.
- 7.1.3 The proposal fully accords with the Green Belt objectives of the NPPF, as it seeks a re-use of an existing building that is demonstrated to be structurally sound and capable of conversion. The result is a scheme that also complies with the strategic principles required through policies LO1 and LO8 of the Sevenoaks Core Strategy and policy GB7 of the ADMP.
- 7.1.4 In general terms the design of the conversion is consistent with policies EN1, EN2 and EN5 of the ADMP, which seeks to deliver a compatible design, protect neighbour amenity and protect the wider environmental quality of the area.
- 7.1.5 Finally, regard must be had to the extent of the housing shortage in Sevenoaks District Council is unable to meet this requirement at present, it radically tilts decision making in favour of the granting permission and permission must now grant permission for housing proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.1.6 The benefits of the proposal are the creation of a family home in an area already characterised by rural residential uses, the prudent use of disused buildings and a range of modest ecological enhancements.
- 7.1.7 In contrast, there would be little, if any, resultant harm as a result of the proposed conversion.

### 7.2 Conclusion

- 7.2.1 Taking all of the above into consideration, we consider the proposal accords with the development plan. Furthermore, wider material considerations support the proposed conversion. We therefore respectfully request that planning permission be granted without delay.