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Planning Statement for The Barn, Manor Drive, Hartley Wood, Kent

October 2021

DHA/RT/MG/15724

Contents

1	INTRODUCTION	2
1.1	Purpose of this statement	2
1.2	Supporting Documents	2
2	APPLICATION SITE	3
2.1	Site and Surroundings	3
2.2	Planning History.....	4
2.3	Pre-Application Advice	4
3	DEVELOPMENT PROPOSAL.....	5
3.1	Description of the Proposal	5
3.2	Structural Assessment Summary	5
4	PLANNING POLICY CONTEXT.....	6
4.1	Development Plan	6
4.2	Other Material Considerations.....	8
5	HOUSING NEED AND SUPPLY OVERVIEW	14
5.1	Context.....	14
5.2	Determining the Target.....	14
5.3	Past Delivery	14
6	CONSIDERATION OF THE PLANNING ISSUES	16
6.1	Introduction.....	16
6.2	Principle of Development.....	16
6.3	Sustainability.....	20
6.4	Heritage impact	21
6.5	Ecology.....	21
6.6	Transport Impacts	22
6.7	Impact on Residential Amenity	22
7	SUMMARY AND CONCLUSION.....	23
7.1	Summary	23
7.2	Conclusion	23

1 Introduction

1.1 Purpose of this statement

- 1.1.1 This planning statement has been prepared by DHA Planning in support of a detailed application for full planning permission, submitted on behalf of our client, Mr A Goodwin.
- 1.1.2 This application seeks planning permission for the conversion of the existing property known as "The Barn" to provide 1no two-bedroom residential dwelling, along with parking, access, landscaping and associated works.
- 1.1.3 This statement provides an overview of the site, its context, and any relevant planning history. This report will review all applicable developed plan policies and the merits of the proposed development are then discussed having regard to this context and policy framework.

1.2 Supporting Documents

- 1.2.1 A suite of plans and documents are submitted with the application and are to be read alongside this Planning Statement:

Document	Author
Completed Application Form	DHA
Planning Statement	DHA
Structural Assessment	TSC
Phase 1 Contamination Desk Study	Lustre
Preliminary Ecological Appraisal	Fellgrove
Bat Emergence Survey Report	Fellgrove

Plan	Drawing Number
Location Plan	PD-10
Existing Plans and Elevations	EX-10
Proposed Site Plan (including Location Plan)	PD-10
Proposed Plans and Elevations	PD-11
Proposed Detailed Plan and Section	PD-12
CGI Imagery	N/A

2 Application Site

2.1 Site and Surroundings

- 2.1.1 The application site is located on Manor Drive, accessed from Church Road, within Hartley Village. The site is located approximately 800m east from the centre of Hartley Village. The village has a number of local amenities including a primary school, a number of churches and local shops.
- 2.1.2 The character of the local area is varied. To the west, the locality is characterised predominantly by residential dwellings, whilst the east becomes more rural and sporadically developed.
- 2.1.3 The site area amounts to 0.019 hectares and is well screened from Manor Drive with the eastern and western site boundary containing a number of trees and hedges. The barn at the centre of this application sits slightly to the west of the plot, with an area of open land associated with the building to the east.
- 2.1.4 To the east of the property there is a public right of way (reference: SD296) and an electrical sub-station.
- 2.1.5 To the east and northeast of the site is an area of Ancient Woodland, sited approximately 15m from the barn. The site also lies within the Green Belt and, following previously applications, is considered by the local planning authority to be a non-designated heritage asset.
- 2.1.6 The site lies wholly within Flood Zone 1.

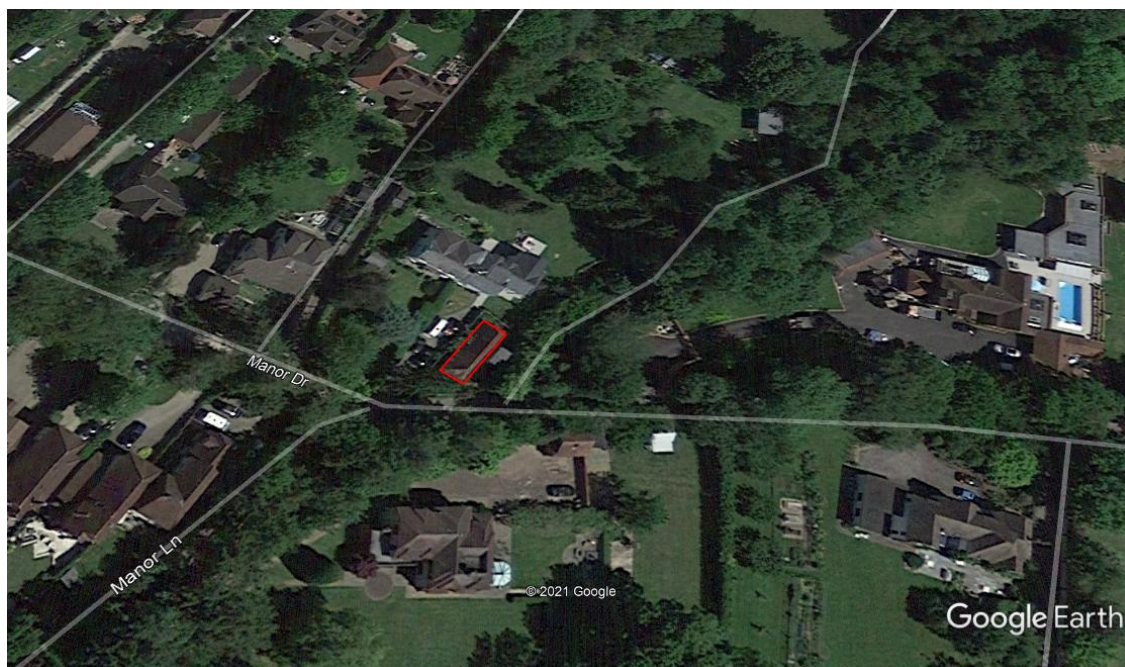


Figure 2.1 Site Location

2.2 Planning History

2.2.1 There has been one previous planning application on the site:

(1) 15/3040/FUL – *conversion of the barn into two bed dwelling*. Refused 12th February 2016.

2.2.2 The application was refused on the grounds that the barn was considered unsuitable for conversion without major or complete reconstruction. Furthermore, it was refused as the associated parking, additional hardstanding and domestic paraphernalia associated with the use of the premises would be harmful to the openness of the green belt. The change of use proposed was considered to adversely impact the setting of the building and its relationship to the dwellings to the north (1 and 2 Hartley Wood Cottages) and would result in the loss to the importance of the barn as a non-designated heritage asset. The proposal also did not offer adequate off-street parking.

2.2.3 The above reasons for refusal have been considered in this application, whereby a new structural report has been submitted, alongside revised plans. This planning statement therefore demonstrates that this scheme is acceptable.

2.3 Pre-Application Advice

2.3.1 Pre-application advice was sought from Sevenoaks District Council via a meeting on 11th February 2021. A written letter was received on 18th February 2021, which summarised the following points:

- (1) Principle of development in the Green Belt
- (2) Consideration of appearance of the building in terms of impacting openness and domestic paraphernalia, which could be mitigated through a landscaping scheme.
- (3) Structural assessment findings
- (4) Heritage considerations as the barn is a non-designated heritage asset.
- (5) Design should reflect the rural setting
- (6) Impact on neighbouring amenity
- (7) Other issues include drainage, parking, ecology, trees.

2.3.2 All comments from the pre-application feedback have been considered and where appropriate, have been incorporated into the design of this scheme.

3 Development Proposal

3.1 Description of the Proposal

3.1.1 Full planning permission is sought for:

"Change of use and conversion of existing barn to provide 1no. dwelling, with associated amenity space, parking and landscaping"

3.1.2 The proposed conversion is underpinned by a clear design rationale, which seeks to retain the established urban/rural fringe character of the area and character of the building, whilst providing a sustainable re-use of a currently underutilised non-designated heritage asset.

3.1.3 In terms of materials, the proposal has been carefully designed to balance the surrounding context and heritage aspect of the building, whilst ensuring materials are sensitive and appropriate for the site.

3.1.4 From a landscaping perspective, trees on the site are to be maintained, with additional planting across the site and a private garden area situated to the east of the dwelling, which has been designed to ensure the residential curtilage is tightly defined.

3.1.5 The existing access from Manor Drive is to be maintained, and two parking spaces are to be provided at the entrance to the property.

3.2 Structural Assessment Summary

3.2.1 The proposal is supported by a structural assessment. The report should be read in full, alongside this application; 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 Peshurst 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 were considered acceptable alterations in the process of conversion of the barn.

4 Planning Policy Context

4.1 Development Plan

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.1.2 The local development framework comprises the Sevenoaks Core Strategy Development Plan (2011) and the Allocations and Development Plan (2015).
- 4.1.3 The Sevenoaks Emerging Local Plan has been consulted on and is now at examination stage and has been submitted to the Secretary of State for independent review, consequently the emerging local plan will be considered in the context of this application as a material consideration.
- 4.1.4 The National Planning Policy Framework (NPPF) represents a material consideration in the determining of the application along with guidance set out in the National Planning Policy Guidance (NPPG).

Core Strategy (2011)

- 4.1.5 The Core Strategy was adopted by the Council in 2011 and sets out what development will happen, where it will be located, when it will take place and what requirements development will have to meet.
- 4.1.6 **Policy SP1 Design of New Development and Conservation** – All new development should be designed to a high quality and should respond to the local character of the area in which it is situated. Account should be taken of guidance adopted by the Council in the form of Kent Design, local character Area Assessments, Conservation Area Appraisals and Management Plans, Village design Statements and Parish Plans. In rural areas account should be taken of guidance in the Countryside Assessment and AONB Management Plans. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 4.1.7 **Policy SP2 Sustainable Development** – The District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible.
- 4.1.8 **Policy LO1 Distribution of Development** – Development will be focused within the built confines of existing settlements. In other locations, priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt.
- 4.1.9 **Policy LO8 – Countryside and the Rural Economy** – The extent of the Green Belt will be maintained. The countryside will be conserved and the distinctive features

contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.

The Allocations and Development Management Plan (2015)

4.1.10 The Allocations and Development Management Plan was adopted by the Council in 2015 and forms part of the development plan for the district. It builds on the Core Strategy and sets out policies for managing development across the District.

4.1.11 **Policy EN1 Design Principles** – Proposals which would create high quality design and meet the following criteria will be permitted:

- a) the form of the proposed development would respond to the scale, height, materials and site coverage of the area;
- b) the layout of the proposed development would respect the topography and character of the site and the surrounding area and sensitively incorporate natural features such as trees, hedges and ponds within the site;
- c) the proposal would not result in the loss of buildings, open spaces or green infrastructure that would have an unacceptable impact on the character of the area;
- d) the proposal would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities;
- e) the proposal would incorporate, within the design opportunities for increasing biodiversity potential, where possible, and retaining and enhancing Green Infrastructure features including sustainable drainage systems. Proposals that affect a site's existing biodiversity and Green Infrastructure should be designed in a way that avoids or mitigates any potential harm;
- f) the design of new buildings and the layout of spaces, including footways, car and cycle parking areas, would be permeable and provide connectivity with neighbouring areas
- g) new development would be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities; and
- h) the design of new developments would result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour.

4.1.12 **Policy EN2 Amenity Protection** – 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.

- 4.1.13 **Policy EN4 Heritage Assets** – 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.
- 4.1.14 **Policy GB7 Reuse of a Building within the Green Belt** – proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:
- (1) 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
 - (2) 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.
- 4.1.15 **Policy T1 Mitigating Travel Impact** – new developments will be required to mitigate any adverse travel impacts including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health.
- 4.1.16 **Policy T2 Vehicle Parking** – vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards.

4.2 Other Material Considerations

Green Belt Supplementary Planning Document (2015)

- 4.2.1 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.
- 4.2.2 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.
- 4.2.3 Section 4 of the SPD outlines (paragraph 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)

- 4.2.4 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.
- 4.2.5 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.
- 4.2.6 On the 2nd March 2020 the Inspector issues her final report finding the plan to have failed to fulfil the duty to cooperate. The Inspector also outlined wider concerns in respect of soundness, namely:
- (1) The Sustainability Appraisal, in particular the selection of Reasonable Alternatives and the justification for the Choice of Option 3 as the preferred Spatial Strategy.*
 - (2) The Green Belt Assessment, in particular the methodology chosen and the range of sizes of the parcels identified as the starting point for the assessment.*
 - (3) The approach to the definition of exceptional circumstances at the site-specific level, which includes whether the release of land will result in the delivery of infrastructure to meet an existing evidence-based need.*
 - (4) The justification for a housing requirement substantially lower than the housing need.*
 - (5) The retention of the Broad Location for Growth at 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'.*
- 4.2.7 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)

- 4.2.8 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 31st 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.

4.2.9 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)

4.2.10 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

4.2.11 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.

4.2.12 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.

4.2.13 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

4.2.14 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.

4.2.15 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.

National Planning Policy Framework (NPPF) (revised 2021)

- 4.2.16 The replacement NPPF was published on 24th July 2018 and further consolidated in February 2019. Paragraph 2 of the NPPF states that it is a material consideration in planning decisions and appendix 1 states that the policies in the Framework should be considered in dealing with applications from the day of its publication. It is recognised that plans may also need to be revised to reflect policy changes which the replacement framework has made, and this should be progressed as quickly as possible through a partial revision of by preparing a new plan.
- 4.2.17 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 8 states the three objectives to sustainable development as being economic, social and environmental
- 4.2.18 Paragraph 11 states that 'plans and decisions should apply a presumption in favour of sustainable development whereby development proposals that accord with an up-to-date development plan should be approved without delay', or 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular important 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.
- 4.2.19 Paragraph 79 highlights that 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. Paragraph 118 seeks to promote and support the development of under-utilised land and buildings and seeks to ensure the effective use of land.
- 4.2.20 The NPPF attaches great weight to the creation of high-quality buildings and places. It adds that early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Paragraph 126 outlines that the creation of high-quality buildings places to 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 to make development acceptable to communities.
- 4.2.21 Chapter 13 of the NPPF sets out how developments and plans should protect Green Belt Land. Paragraph 147 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 148 states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the

Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.2.23 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.*

4.2.24 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.

- 4.2.25 Chapter 15 seeks to conserve and enhance the natural environment. 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.
- 4.2.26 Equally proposals that conserve or enhance biodiversity to seeking net gains should be supported and encouraged
- 4.2.27 Chapter 16 seeks to conserve and enhance the historic environment. Paragraph 197 states that in determining applications, local planning authorities should take account of:
- (1) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - (2) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - (3) The desirability of new development making a positive contribution to local character and distinctiveness.
- 4.2.28 Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset.

5 Housing Need and Supply Overview

5.1 Context

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

5.2 Determining the Target

- 5.2.1 Paragraph 60 of the NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. 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 Consideration of the Planning Issues

6.1 Introduction

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 The following planning considerations are assessed in this section in relation to the proposal:

- (1) Principle of Development
 - (a) Appropriate Development in the Green Belt
 - (b) Very Special Circumstances
 - (c) Five-Year Housing Land Supply
- (2) Sustainability
- (3) Heritage
- (4) Design and Layout
- (5) Trees and Ecology
- (6) Impact on Residential Amenity
- (7) Other Matters
 - (a) Contamination

6.2 Principle of Development

6.2.1 The site is located within the countryside by virtue of being outside of the settlement confines. Policy LO1 of the Core Strategy seeks to focus development within the built confines of the existing settlements and protect the rural character of the district. In addition, Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside. The proposed development is located almost adjacent to the built confines of Hartley which is around 30m to the west and among residential development along Manor Drive. Therefore, the proposed development cannot be considered to be isolated. Whilst the site is located in the countryside, its close proximity to the village of Hartley would mean the development would help support the services, amenities and vitality of the village.

Appropriate Development in the Green Belt

6.2.2 For the purpose of this application, the key aspect of the development plan relates to policy GB7 of the Sevenoaks Allocations and Development Management Plan DPD (2015).

- 6.2.3 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.
- 6.2.4 The site is currently occupied by the existing barn, scrub and security fencing with an existing access from Manor Drive and concrete hardstanding. The site and surrounding area has an enclosed feel with numerous trees and no medium or long distance views with dwellings located to the north, south and west of the site and an electrical sub-station to the east. The proposal seeks to retain the existing building but it would expose an additional section of wall by lowering the ground level around the barn. This would give the appearance of an increase in height of the building without actually increasing the height of the building and would have no effect on the openness of the Green Belt.
- 6.2.5 The proposal would involve the provision of some hard-standing around the curtilage of the building with the addition of parked cars and domestic paraphernalia which has the potential to harm the Green Belt. However, there is an existing access which allows vehicle parking on the site with an area of existing hardstanding. The building has been used for domestic storage in excess of 10 years and the presence of domestic paraphernalia has already been established on the site. Therefore, the conversion of the proposed development would not have a greater impact on the area than the existing use. Indeed, the proposed development seeks to restore and improve the building and site generating an improvement in the visual amenity of the area whilst retaining the rural character.
- 6.2.6 Part b) of GB7 requires the proposal to demonstrate that the building is of permanent and substantial construction which is capable of conversion without major or complete re-construction that would detract from their original character. It requests that a detailed structural survey and method statement is submitted with any application. Having regard to these criteria, the existing building would be re-used. Furthermore, the applicant has also provided a detailed structural survey to demonstrate that the building is of permanent and substantial construction and can be converted without the need for major or complete reconstruction.
- 6.2.7 However, turning to wider material considerations, paragraphs 149 and 150 of the NPPF states that certain forms of development are also not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include the re-use of buildings, provided that they are of permanent and substantial construction. The proposal complies with this element of national Green Belt policy, as set out in the Structural Report, and above.
- 6.2.8 It is also important to note, that since the adoption of the ADMP 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/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 were merely alterations expected as part of the conversion works. This therefore sets a clear benchmark that the current proposals and extent of structure falls plenty within the scope of a building capable of conversion.

- 6.2.9 Based on this, it is considered that the proposal fully accords with the development plan in this respect.
- 6.2.10 In any event, regard is had to the Council's findings on the previous application in 2015. It is noted that this was refused and one of the reasons given was that it would require a major or complete re-construction and therefore would be contrary to National Green Belt policy and Policy GB7. In addition, that application was also refused on the basis that it would result in a significant loss to the importance of this non-designated heritage asset due to the extent of works required to convert the building.
- 6.2.11 Having reviewed the structural assessment and supporting information of the previous application it is clear that the consultant was being overly cautious regarding the works required to convert the building and sought to replace or repair more of the building than was necessary. As part of the new proposal, the supporting structural assessment has been carried out by TSC Designs Ltd which has confirmed that the building is of substantial and permanent construction that is capable of being converted without major reconstruction. The structural assessment confirms that the roof is in an acceptable condition subject to some minor repairs which mainly involve rectifying previous works/repairs to the roof. The existing first floor is suitable for domestic loads but would benefit from minor local repairs as the floor was not an original feature of the building. The walls are of solid construction subject to upgrading/repair to some of the plates and replacing the previous softwood repairs with oak to match the rest of the building.
- 6.2.12 As the proposal seeks the conversion of an existing building in the Green Belt the proposed development is therefore not considered to be inappropriate development. The structural assessment has confirmed that the building is of substantial and permanent construction but it is currently in a poor state of repair.
- 6.2.13 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 building.
- 6.2.14 Without prejudice to the above, should the Council continue to consider that the work to convert the building goes beyond what is allowed within policy, it is considered that there are very special circumstances (VSC) which would allow the Council to set aside its policies in terms of conversion of rural buildings in the Green Belt.

Very Special Circumstances

- 6.2.15 It is considered that the case for appropriate development has been set out. However, it is considered that there are other important considerations that could amount to a case of very special circumstances.
- 6.2.16 It was noted through the previous application that the building has been identified as a potential non-designated heritage asset. It is notable, however, that given the age of the previous application and the Council's consideration of the buildings merit as a non-designated heritage asset that the building has still not made it to the Local List held by the Council. Notwithstanding this, consideration must be given to its conservation and the ability to bring the building back into meaningful use such that the fabric of the building can be preserved.

- 6.2.17 This is supported by the NPPF at paragraph 197 and 199, where in determining applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage asset, along with great weight to be given to the asset's conservation. Furthermore, paragraph 208 outlines that planning authorities should consider the benefits of enabling development, which would otherwise conflict with planning policy, but which would secure the future conservation of the asset.
- 6.2.18 Paragraph 203 outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account. A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
- 6.2.19 It is considered that flexibility must be given to the amount of work required to convert the building, if the Council wish to see the building conserved for future generations. In our consideration, the asset, whilst a good example of a timber framed barn, would be at the lower end of significance generally to the local area and its contribution to the historic context of the locality. It should, nonetheless, be preserved and the proposals would retain as much of the historic fabric as possible.
- 6.2.20 It is noted that the Council previously had concern that the building would be subdivided from the main property at 2 Hartley Cottages, to which the barn used to belong – it failed to acknowledge that this had occurred. As such, the building now stands within its own curtilage and is separate from 2 Hartley Cottages. To provide a viable future for the building, a beneficial consent is required to allow investment into the fabric, without which, deterioration is inevitable.
- 6.2.21 Confusion in the previous delegated report is also provided through the Council's consideration that a redevelopment of the site could be a potential option. It is acknowledged that the NPPF allows for the redevelopment of sites within the Green Belt that would have no further impact on openness. However, this does seem to conflict with established policy as presumably the Council would not entertain this option as it would lead to the demolition of the non-designated heritage asset. It is notable, however, that demolition of the building could not be objected to as part of permitted development under Part 11, Class B, which is also a significant consideration for the Council.
- 6.2.22 As such, the applicant is seeking to provide a viable future for this building and it is considered that the above considerations amount to VSC in this particular case. In this way, it is considered that the proposals would support policies SP1 and EN4 of the Core Strategy and ADMP, respectively.

Five-Year Housing Land Supply

- 6.2.23 In this case, 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 above.
- 6.2.24 The current published supply position has highlighted that there is not a robust supply of housing land within the district and the current shortfall is significant. Not only 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.

- 6.2.25 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.
- 6.2.26 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. It is noted that the site's location within the Green Belt is further consideration to be taken into account in the balancing judgement to make on this case, however, it is clear that the proposal accords with national policy and would not result in harm to the openness of the Green Belt. Therefore, even when applying significant weight to any potential harm to the Green Belt by the development, it is considered that the harm does not 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, and 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.
- 6.2.27 To summarise, the proposal provides an excellent opportunity to create a much-needed home in an area with growing housing needs. 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.

6.3 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 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 homes per year.
- 6.3.4 Consideration has been given to the environmental value of this site in terms of landscape quality, ecology, residential amenity, land contamination, flood risk and locational sustainability. The site is not of high ecological value, with the area itself is not within an area of significant ecological value. The site is not within an area subject to flooding, or excess impacts of noise. The application is supported by a Phase 1 Contamination Report which concludes that it is unlikely for contamination to be present on the site, in a circumstance, which could lead to risks to identified receptors.
- 6.3.5 In terms of impact on the significance of the non-designated heritage asset, the proposal would see the building safeguarded and given a purpose so that it does not fall into disrepair and the risk of loss. The proposal, therefore, seeks to enhance the buildings appearance, with no demonstrably greater degree of bulk or building volume and safeguard the property for future generations.

6.4 Heritage impact

- 6.4.1 The building is considered to be a non-designated heritage asset. The building itself now sits amongst the context of a residential area, with residential properties surrounding the site. Any historical setting has been compromised through the introduction of the residential buildings in the surrounding area.
- 6.4.2 Whilst the wider setting has undergone change over the years, the barn has remained largely unchanged and is now at risk of becoming dilapidated. As such, it is considered that the barn is capable of accommodating the change in use, without necessarily resulting in any harmful or detrimental effects on the heritage asset itself.

6.5 Ecology

Preliminary Ecological Appraisal (PEA)

- 6.5.1 A Preliminary Ecological Appraisal forms part of the submission. Fellgrove Ecology have undertaken the PEA, and in summary, the survey found that the site has moderate potential for roosting bats within the barn, of which further surveys were recommended.
- 6.5.2 The barn was also found to have moderate nesting bird potential, which requires consideration to be given during construction works, depending on the time of year that works are planned to take place. No other species have been found on the site to raise concern.
- 6.5.3 In terms of biodiversity protection and enhancements, the following measures are recommended:
- (1) All new planting should be of native species of local provenance that will have a value as forage and cover for species using the site;
 - (2) Planting associated with the proposed development should include native, flower rich species, including those that flower in the late and early seasons to benefit pollinators, such as bumblebees where appropriate;
 - (3) Any trenches or holes must be covered up while they are not in use to prevent hedgehog and other wildlife from becoming trapped. Any low-key fires must be completely extinguished when not supervised to prevent hedgehog and other wildlife from becoming injured;
 - (4) An additional Woodstone Seville Nest Box will be installed within the proposed development site during or immediately after construction;
 - (5) An additional Woodstone Beaumaris Bat Box will be installed within the proposed development site during or immediately after construction.

Bat Emergence Survey Report

- 6.5.4 Following from the recommendations set out in the PEA, Fellgrove Ecology have undertaken a Bat Emergence Survey. The survey required two surveyors to cover the building, each beginning fifteen minutes before sunset and concluding ninety minutes after sunset.

6.5.5 The building was surveyed externally and no bat emergence activity was recorded during the survey. The single storey timber clad building was identified as moderate bat roost potential around the top of the building's timber clad walls and the corrugated roofing. While two bat species were encountered during the surveys, no bat emergences were recorded from the building during both surveys. The species recorded were consistent with the results of the PEA, the data from which suggested that roosts are present in the wider area, but not in the immediate vicinity of the site. The full details are set out in the submitted report.

6.6 Transport Impacts

6.6.1 Vehicular access to the site exists via the established access point from Manor Drive, which would be retained.

6.6.2 The proposed development would not be expected to generate significant additional vehicle trips and would not demonstrably impact upon local highway capacity, amenity or operation, nor would it have any severe impact on the local highway network, in line with the NPPF.

6.6.3 The parking area for the new dwelling will be provided via a private drive and will provide 2no. parking spaces in accordance with the KCC Interim Guidance Note 3 (IGN3) vehicle access parking standards for residential development in rural locations.

6.7 Impact on Residential Amenity

6.7.1 The immediate surrounding area is not densely populated and is characterised by a variety of house types and sizes. In this regard, the layout of the proposed dwelling, combined with the proximity of the closest properties, which are extremely well screened by dense mature vegetation means that adequate amenity levels for both future occupants and neighbouring occupants will be retained.

6.7.2 It is noted that the northern elevation of the building sits close to the boundary of 2 Hartley Wood Corner. An existing window in the northern elevation of the building has the potential to cause overlooking. However, the design of the building is such that this could form a secondary window to the master bedroom of the property, and a condition requiring obscure glazing of this window is expected and accepted.

7 Summary and Conclusion

7.1 Summary

- 7.1.1 This statement has been prepared for on behalf of Mr A Goodwin, in respect of a full planning application for the conversion of a disused barn, into a new 2-bedroom dwelling with associated access, parking, landscaping and associated works.
- 7.1.2 The barn is a non-designated heritage asset, in an area which is of predominantly residential use.
- 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 environment quality of the area.
- 7.1.5 Finally, regard must be had to the extent of the housing shortage in Sevenoaks, and the District Council is unable to meet this requirement at present, which tilts decision making in favour of the granting permission, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The benefits of the proposal are the creation of a family home in an area already characterised by residential uses, the enhancement/reuse of a disused heritage asset.
- 7.1.6 In contrast, it is evident that 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 considered the proposal accords with the development plan. Furthermore, wider material considerations support the proposed conversion.
- 7.2.2 We therefore respectfully request that planning permission be granted without delay.