

Application report

Application Reference:	21/00233/FUL	Date of report:	13.04.2020
Proposal:	Demolition of existing barn buildings with a new dwelling and detached garage.	Case officer:	Claire Shearing
Address:	Land West of Homestead Farm, Rye Lane, Otford		

Description of site

The application relates to land immediately behind and west of Homestead Farm, which lies on the western side of Rye Lane. Rye Lane is largely single carriageway with passing points, connecting Otford to the north with Dunton Green to the south.

The site shares access with Homestead Farm and currently contains three dilapidated farm buildings. A number of trees also exist on the site.

Constraints

- Green Belt

Description of proposal

Planning permission is sought for the demolition of one of the two existing barns to the western side of the site, and replacement with a dwelling and a detached garage.

Relevant planning history

20/00240/FUL- Planning permission granted for the conversion of the two barns into two new dwellings. Not implemented.

02/00691/FUL- Planning permission granted for entrance walls and gates. 2002.

Policies

National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Core Strategy (CS)

- SP1 Design of New Development and Conservation
- L01 Distribution of Development
- L08 The Countryside and the Rural Economy
- SP11 Biodiversity

Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Parking

Other

- Sevenoaks 'Development in the Green Belt' SPD
- Otford Village Design Statements

Consultations responses

Otford Parish Council- Objection: "This is a barn that already has planning permission for conversion. The Parish Council understands that barns can only be converted, not demolished and rebuilt as a house, even if it is on the same footprint and has the same volume."

Natural England: No comments. Refer to standing advice.

KCC Archaeology: (summary)

- The site is within an area of medium potential for Palaeolithic remains.
- Condition requested to secure a watching brief during the development.

KCC Ecology: (summary)

- Additional information is required prior to determination of the application.
- Evidence of Barn Owls were found in the western barn and nesting cannot be ruled out. Replacement roost space must be provisioned if the barn is demolished.
- Information of the replacement roost space is required to demonstrate it can be incorporated into the development on the site plan and elevations.

Representations

No representations have been received.

Planning appraisal

The main planning considerations are:

- Whether the development is appropriate development in the Green Belt and impact on openness
- Impact on the character and appearance of the area
- Impact on amenity
- Traffic and parking
- Landscaping and biodiversity

Whether the development is appropriate development in the Green Belt and impact on openness

The NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. It is understood that the permission for the conversion of the barns has not been implemented. Based on a site visit the barns are understood to be used in connection with the residential use rather than being independently agricultural in their function. The existing use as residential is also confirmed on the application form.

As the site is in an isolated location, the site could fall under the definition of previously developed land as defined by the NPPF. In which case para 145g) could be applicable. This states that appropriate development can include:

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 would contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposals would not provide affordable housing, so it falls to be considered under the first bullet point and whether the proposals would have a greater impact on the openness of the Green Belt than the existing development.

Openness is an essential characteristic of the Green Belt and is different from visual impact although it can have a visual as well as a spatial element. Openness is about freedom from built form.

The existing building within the red line boundary is a single storey barn building with pitched roofs and gable ends. It includes a projecting addition to its south

eastern corner. Based on the applicants information this amounts to approximately 146.1sqm in footprint.

By comparison the proposed new dwelling alone would amount to 135sqm of footprint, therefore overall it comprises a slightly reduced footprint.

The proposed dwelling, however, incorporates two internal storeys where the second is provided primarily within the roofslopes, providing a further 84sqm of internal floorspace. This additional height, which is accentuated by the windows and openings in the first floor level, increases the perception of the height of the building and creates a greater impact on the openness of the Green Belt.

In addition to the new house itself, the proposals would entail the creation of a new detached garage of 54sqm with pitched roof. Cumulatively, the new house, garage and the residential paraphernalia associated with the subdivision of the land, would have a greater impact on the openness of the Green Belt than the existing.

As such the development would be inappropriate development in the Green Belt and harmful to openness.

The applicant considers that the development would be appropriate under para 145d) relating to replacement of a building “provided the new building is in the same use and not materially larger than the one it replaces”. As the previous permission is understood not to have been implemented, it is not agreed that the new dwelling would replace an existing building of the same use. It would also be materially larger, for the reasons discussed above.

Impact on the character and appearance of the area

Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

The form and proportions of the new house would generally follow the shape of the existing barn on the site with a simple pitched roof form. The application contains limited information on materials, with the application form referring only to brickwork and a roof of metal seamed panels. However the elevations also suggest cladding to the north and south elevations. Subject to the details of these materials, the materials and overall design approach could work in this rural setting. More details would be required by condition to ensure this was the case. While the openings are large, given the scale of the building itself it is not considered that they would cause undue harm to the character of the area.

Details of the garage are also limited. Its design and appearance seem suburban in nature. However given its set back and location in the corner of the site, and that materials and finishes could be secured by condition, I consider this to be, on balance, acceptable.

Overall the proposals are capable of achieving compliance with policies SP1 and EN1.

Impact on amenity

Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

The new house would be set perpendicular to the main house of Homestead Farm and this neighbouring property is such a distance from the buildings in question that its sunlight and daylight, and outlook, would be preserved by the proposals. The new dwelling would have windows in the rear (south facing) elevation however these would not look directly towards Homestead Farm. A new window is proposed in the east facing flank elevation, but would be such a distance from Homestead Farm that it would not harm its privacy. Trees and a boundary treatment would continue to exist between the two, reducing opportunities for overlooking.

The proposed new dwellings also benefit from a good standard of amenity, with outlook in multiple directions and space for private amenity areas.

Overall the proposals are compliant with EN2.

Traffic and parking

The proposals would utilise the existing access onto Rye Lane. The earlier permission for conversion included a condition that details of the point of access be provided. This could also be secured again to ensure appropriate visibility at the junction.

The site accommodates ample space for vehicle parking associated with the new dwelling and for vehicles to turn on the site.

Landscaping and biodiversity

The Ecology Team at KCC have requested that the application be amended to include information of the required Barn Owl roost. However, I consider it likely that this information could be adequately be secured by a planning condition. Biodiversity enhancements could also be secured by condition to comply with policy SP11.

There are existing trees along the northern boundary to the east of the proposed dwellings which contribute positively to the character of the area. In line with the earlier permission for conversion, if the proposals were otherwise acceptable, a tree protection plan should be secured by condition.

The condition recommended by the archaeology officer could be imposed if the proposals were otherwise acceptable.

Very Special Circumstances and Planning Balance

Para 144 of the NPPF states that when considering any planning application, we 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 is clearly outweighed by any other considerations.

In this case the harms have been identified as follows:

- harm through being inappropriate development by definition, and harm to the openness of the Green Belt, which should be afforded substantial weight.

While the applicant has not specifically referred to any very special circumstances or the Green Belt issues in question, there are matters raised in the Design and Access Statement and Planning Statement, which are relevant to the Green Belt considerations. These are as follows:

A 50% uplift in floorspace is allowed by GB4 of the ADMP

Response: GB4 relates to replacement dwellings, and so it not directly applicable in this case as the existing building is not a dwelling. However the policy would be applicable if the barn were already converted and this is a material consideration, and it is accepted that the floorspace uplift lies within the 50% uplift allowed by this policy. However GB4 also requires at point b) that the replacement house does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. As discussed above, the new dwelling is considered to cause harm to openness through the increased prominence of the accommodation at first floor level, and also because of the cumulative impact alongside the garage and residential paraphernalia.

That the approved converted barns would have permitted development rights, and so could be larger than approved

Response: It is acknowledged that they would benefit from PD rights and could extend. However no evidence has been submitted of any details of those likely extensions or the intensions to carry them out. As such it cannot be established whether this proposal has a lesser impact on the openness of the Green Belt than any PD extensions, or whether that represents a legitimate fall back position for the applicant. As such the PD position is afforded limited weight as a very special circumstance.

The garage is more than 5m from the house, so could be allowed

Response: It is correct that policy GB3 of the ADMP refers to outbuildings more than 5m from a house, however the Development in the Green Belt SPD states that they should be limited to 40sqm to preserve the openness of the Green Belt. The proposed garage far exceeds this.

The garage could be permitted development

The Council has not been asked to consider whether the garage would be permitted development and no dwelling house currently exists here. However if the permission for conversion were implemented it is likely the garage now proposed would be found to be forward of the principal elevation, so may not be PD. Therefore this position is afforded little weight.

Overall, it is not considered that there are very special circumstances in this case that would clearly outweigh the harms identified.

It is acknowledged that the proposals would provide a new dwelling which would make a welcome to the Council's housing stock. However this is a single unit and is afforded little weight as a benefit of the scheme.

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is relevant, however as the policies of the NPPF protect against Green Belt harm, this provides a clear reason for refusing the development proposed. Therefore the tilted balance is not triggered.

Community Infrastructure Levy (CIL)

This proposal is CIL liable and there is no application for an exemption at this stage.

Conclusion

The proposals are inappropriate development by definition, and would cause harm to the openness of the Green Belt, contrary to the NPPF.

Recommendation

It is therefore recommended that this application is refused.

Case officer: C Shearing

Date: 13.4.2021

Manager/Principal: [Jim Sperryn](#) Date: 14.4.21