

HOUSEHOLDER PLANNING STATEMENT

BROOMSLEIGH PARK, STYANTS BOTTOM ROAD, SEAL, KENT, TN15 0ES

Prepared on behalf of Justin and Kathleen Widdowson



OCTOBER 2023

1.0 INTRODUCTION

1.1 This document accompanies a planning application submitted to Sevenoaks District Council (SDC) for the following development:

Enlargement of existing sand school to be used in connection with residential dwellinghouse

1.2 The land affected by the planning application is covered by the following single freehold land title that has been registered with Land Registry since 14th February 1986. The appellants are the landowners:

- K761202 (described as ‘Broomsleigh Park’ and ‘Broomsleigh’).

2.0 SITE CONTEXT

2.1 The Site is located some 2km to the east of the rural settlement of Seal, comprising a large and extended two storey detached property set within extensive grounds. The land title covers an area of about 7.3 hectares (73,184 sqm). Aside from the residential built form, the Site features extensive landscaping and planting, particularly along its perimeter to the southern end, as well as along the 280m long private access road that traverses through the centre of the Site leading to a parking area in front of the dwelling. The access connects to Styants Bottom Road to the south, close to the junction with Pillar Box Lane. Westwards along the former road will lead to the centre of Seal, whilst eastwards leads to a connection on to Sevenoaks Road about 1.2km to the SW (the A25) that continues into Ightham, Borough Green and Wrotham Heath.

2.2 The Site is located within the parish of Seal and within the administrative boundary of Sevenoaks District Council (SDC). From a planning constraints perspective the Site is located within an Area of Outstanding Natural Beauty as well as the Metropolitan Green Belt. The nearest public right of way is SR106, which, at its nearest to the Site, is 110m away to the west. There are no tree preservation orders within the Site.

2.3 The Site is bounded by agricultural fields to the west and north, with some, if not all forming part of the agricultural holding that makes up Broomsleigh Farm, whilst generously sized plots of land comprising large detached dwellings exist to the south and SE, including what appears to be an incidental 880 sqm sand school plus 4 stables at Broomsleigh South Lodge, likely to be that approved following an appeal decision in 1992 ([91/01695/HIST](#)). Chart Farm also exists to the east.

2.4 Historically, the dwelling appears on Google aerial photography said to be from 1940 and has maintained a park appearance since then. There is no indication that any of the Site has ever been farmed or used in connection with agriculture, hence the name ‘Broomsleigh Park’ to distinguish it from the farmland that adjoins the Site.

3.0 RELEVANT PLANNING HISTORY

3.1 The following planning records are considered relevant to the Site:

- [To construct a conservatory style enclosure to cover an existing swimming pool for private recreation use.](#)

Ref. No: 96/02098/HIST | Status: Decision – Granted. This appears to exist to the rear of the dwelling. There are no plans on this record.

- [Conversion of existing garage to create a residential annexe by raising of the roof to incorporate a first floor.](#)

Ref. No: 19/02611/HOUSE | Status: Decision – Granted. The application site was as per the EN and land title K761202.

- [Conversion and extension of existing garage to create a residential annexe by raising of the roof to incorporate a first floor.](#)

Ref. No: 20/00068/HOUSE | Status: Application – Withdrawn. The application site was as per the EN and land title K761202.

- [Construction of an American barn, outdoor arena and associated works.](#)

Ref. No: 21/00476/FUL | Status: Decision – Refused. The application site was focussed on the part of the site to be developed and did not show a connection to a public highway.

- [Replacement pool enclosure.](#)

Ref. No: 22/00758/HOUSE | Status: Decision – Granted. The application site was as per the EN and land title K761202.

- [New swimming pool.](#)

Ref. No: 22/00792/HOUSE | Status: Decision – Granted. The application site was as per the EN and land title K761202.

- [Erection of a single storey stable block with ancillary store and tack rooms, plus the construction of an associated sand school](#)

Ref. No: 22/02564/HOUSE | Status: Decision - Granted

- [Details pursuant to condition 3 \(ecological enhancements\) of 22/02564/HOUSE.](#)

Ref. No: 23/00429/DETAIL | Status: Decision - Granted

- [Details pursuant to condition 5 \(light spillage and intensity of illumination\) of 22/02564/HOUSE.](#)

Ref. No: 23/00533/DETAIL | Status: Decision - Granted

- [Details pursuant to condition 7 \(soft landscaping proposals and schedule of landscape maintenance\) of 22/02564/HOUSE.](#)

Ref. No: 23/00534/DETAIL | Status: Decision - Granted

4.0 SUBJECT DEVELOPMENT

- 4.1 This planning application entails a simple extension to the sand school that was the subject of planning permission 22/02564/HOUSE. It is to be extended northwards by 18m, following the width of the approved sand school at 55.5m. The total depth would then become 49.2m, whilst the additional area equates to 1,400 sqm, up from the previously approved area of 1,400 sqm.
- 4.2 The extension to the sand school will reflect the existing and contain a membrane sheet above the plastic pallet base with the sand on top of that. The extended sand school is to be demarcated by a white plastic post and rail fence.
- 4.3 Access to the Site is as before via the Site's entrance to Broomsleigh Park off Styants Bottom Road to the south as well as internally via the access road that links the public highway with the front of the residential dwelling.

5.0 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.

5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

5.5 In terms of the Development Plan for Sevenoaks District Council (SDC), this comprises of the following documents that are relevant to this application:

- Adopted Core Strategy 2011 (CS);
- Adopted Allocations and Development Management Plan 2015 (ADMP).

5.6 The CS sets out the general scope for development in SDC and it reiterates the Government's priority to locate development on previously developed land. It identifies the focus of new development within the main settlements in the District as set out at Policy L01. At other locations development will only take place where it is compatible with policies protecting the Green Belt and AONB's. In this case, the Site is within the Green Belt and the Kent Downs AONB. The applicant's position is that the Site is entirely previously developed land, being residential garden land not within a built-up area.

5.7 Other relevant policies are as follows:

- LO8: The Countryside and the Rural Economy (including Areas of Outstanding Natural Beauty);
- SP1: Design of New Development;
- SP2: Sustainable development;
- SP11: Biodiversity
- EN5: Landscape (including Areas of Outstanding Natural Beauty);

5.8 Policies considered relevant in the ADMP are as follows:

- EN1: Design Principles;
- EN2: Amenity Protection;
- EN5: Landscape (including Areas of Outstanding Natural Beauty);
- EN6: Outdoor lighting;
- LT2: Equestrian development;
- T2: Parking;
- SC1: Presumption in favour of sustainable development.

Other Material Considerations

5.9 Paragraph 134 states that "development that is not well designed should be refused."

- 5.10 Paragraph 137 confirms that the Government attaches great importance to Green Belts and that the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 138 sets out the five purposes of including land in the Green Belt. Paragraph 150 confirms that certain forms of development are appropriate in the Green Belt, subject to preserving its openness and not conflicting with the purposes of including land within it. The listed exceptions include engineering operations. Paragraph 148 directs decision makers to attach substantial weight to any harm to the Green Belt. ‘Very special circumstances’ shall only exist if 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.
- 5.11 Paragraph 174 indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Paragraph 176 adds that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 5.12 The following additional documents are material considerations:
- Sevenoaks Development in the Green Belt Supplementary Planning Document (GBSPD);
 - St Lawrence (Seal) Village Design Statement (April 2019);
 - National Design Guide (NDG) (October 2019);
 - Kent Downs AONB Management Plan (adopted 2021).

6.0 PLANNING ASSESSMENT

- 6.1 Given the above policies it is considered that the key planning issues relevant to this application are as follows:
- Whether appropriate development in the Green Belt;
 - Landscape and Character Impact (including AONB);
 - Living conditions;
 - Biodiversity.

Development in the Green Belt

- 6.2 No buildings are proposed as part of this application, so paragraph 149 of the Framework would not be relevant. Paragraph 150, however sets out that certain other forms of development, such as engineering operations, are appropriate in the Green Belt, subject to preserving openness and not conflicting with the purposes of including land within the Green Belt.
- 6.3 Paragraph 138 of the Framework lists the five purposes of including land within the Green Belt. An assessment of the proposal against those purposes is set out below:

a) to check the unrestricted sprawl of large built-up areas – *the proposal would not result in the enlargement of any large built-up areas;*

- b) to prevent neighbouring towns merging into one another – *the proposal will not contribute to the merging of towns;*
- c) to assist in safeguarding the countryside from encroachment – *the proposal is confined to being within the existing maintained plot of Broomsleigh Park. The proposal will not result in encroachment into the countryside;*
- d) to preserve the setting and special character of historic towns – *the site will not affect any historic towns;*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – *the site is not urban land so will not compromise this purpose.*

6.4 Regarding preservation of openness, the extension to the sand school reflects the existing sand school and will mean the removal of the northern post and rail fence and relocation to the new northern perimeter. The sand school itself is obviously open in nature, so the only additional structures will be 18m of a low post and rail fence along the east and west extents of the extended sand school. As is also argued in the AONB section below, given the screening already in place around the perimeter of the Site coupled with the lack of views of the development from the nearest publicly accessible areas that includes the highway to the south and the public right of way to the north, it is considered that extent of openness to this part of the Green Belt will not be materially harmed by the extension to the sand school.

6.5 Policy LT2 of the ADMP is of particular relevance given that the proposal is for a form of equestrian development. This policy sets out a range of criteria that must be adhered to when judging the acceptability of such development. An assessment of that criteria is set out below:

- (a) *buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view – no building is proposed so this is not relevant;*
- (b) *for proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents – as part of the application a 999 sqm sand school extension is proposed to be used in connection with the previously approved stables. Given that the wider plot of land extends to 7.3 hectares there is more than sufficient space to accommodate the riding needs of the owner of the horses, without leading to any amenity harm;*
- (c) *the proposal would not have an unacceptable impact on the water environment and sewage disposal – there is no reason to assume that this would be an issue as was the case with the now approved and existing sand school;*
- (d) *the development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated – in combination with the response under criterion (a), together with the acceptance of previously supplied ecological information, it is considered that no conflict with this part of policy LT2 can be found. Concerns were previously expressed by KCC Ecology but in regard to land to the south of the stables. The proposed sand school extension is to*

the north of the existing sand school and stops short of the 3 No. Lime trees shown on the plan in order for them to be retained.

Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other buildings, does not harm the openness of the Green Belt – a response to this point has been set out in the previous section.

Where stables or associated equestrian buildings are proposed they should be designed and constructed in materials appropriate to a rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future – this is not relevant as no such buildings are proposed.

- 6.6 It is also important to note, as part of the Green Belt considerations, that the facility is not there as part of any commercial venture. The proposed extension to it will not result in any greater intensity. It will remain as an incidental use connected to Broomfield Park as a residential site.
- 6.7 The sand school and stables are used by the owners' daughter who competes in show jumping events to a high level and has been tipped to become a future Olympic athlete. The applicant's family have been supporters of British Show Jumping for many years from competing themselves and then to become leading owners of world class show jumpers allowing horses to stay in this country and for British riders to have access to top class horses competing at World Class events.
- 6.8 The family are owners of the legendary bay stallion Big Star who won Team Gold with Nick Skelton at the London 2012 Olympics and also part owned another stallion Cassionato, who was aimed at the Tokyo Olympics 2020.
- 6.9 It is anticipated that this argument will form the basis of a very special circumstances case should SDC be of the view that this proposal would amount to inappropriate development in the Green Belt. Written support could be provided by the applicant, the applicants' daughter and the sport's governing body.
- 6.10 However, the applicant's starting position is that this is appropriate development in the Green Belt and is an acceptable use of what is a very large plot of land used in connection with the ongoing operation of Broomsleigh Park as a residential dwelling.

Summary

- 6.11 Overall, on the issue of Green Belt impact, this proposal should be considered acceptable and falling within the terms of exception (b) in paragraph 150 of the Framework, in regards to engineering operations in the Green Belt.

Landscape and Character Impact

- 6.12 In addition to being within the Green Belt, the Site is also within an Area of Outstanding Natural Beauty. This section explores the potential harm to the character of the area with a focus on the Kent Downs AONB.

Purpose of AONB Designation

- 6.13 Section 85 of the Countryside and Rights of Way Act 2000 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’
- 6.14 Paragraph 2.1.3 of the adopted Kent Downs AONB Management Plan replicates the purpose of AONB designation as set out in ‘Areas of Outstanding Natural Beauty: A policy statement’ by the Countryside Commission. This is ‘primarily to conserve and enhance natural beauty’. ‘In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.’
- 6.15 Any development proposals within an AONB should be tested against the purpose of the designation and the way that this purpose is represented in local and national policy.
- 6.16 In terms of how this purpose is represented in local policy, SP1 (CS), LO8 (CS) and EN5 (ADMP) all require similar tests to be met in order to protect, conserve and, where possible, enhance the AONB. They reference the need to take account of local distinctiveness, use of sympathetic materials and appropriate design.
- 6.17 In terms of how this purpose is represented in national policy, paragraph 176 of the Framework notes: “great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty.”

Assessment of Visual Harm to the AONB

- 6.18 In regard to the tests set out in the relevant policies, it is necessary to assess as to whether the proposal would be detrimental to the natural beauty and quiet enjoyment of the AONB, including its landscape, wildlife and geological interest.
- 6.19 The subject development involves encouraging the use of the applicant’s wider land for an open sport and recreation use. It is located on relatively flat and low ground. The extended sand school will sit alongside stables and the forecourt and seen as part of the wider 7.3 hectare site, with the overall area (inclusive of the forecourt in front of the stables) occupying about 0.3 hectares, or just 4.1% of the overall site.
- 6.20 No hard boundary enclosures are to feature other than a low, and typically rural, post and rail fence, with the northern fence being relocated to the new extended perimeter. Given the screening already in place around the perimeter of the Site it is the applicant’s position that no further landscaping is required to screen the development in addition to that secured as part of the previous permission. This position is proven
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by the lack of views of the development from the nearest publicly accessible areas that includes the highway to the south and the public right of way to the north. Only on a zoomed in photograph of the Site from the private road to the north was it possible to identify part of the subject development. This is shown below:



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- 6.21 As an extension to an existing sand school, it is not considered that the scale of the development is out of keeping, whilst the development will appear sympathetic in design terms.

Summary

- 6.22 With the above in consideration, there is nothing to suggest that the proposed extension to the existing sand school will result in material harm to the natural beauty and quiet enjoyment of the AONB.

Living Conditions

- 6.23 The Site is well separated from any neighbouring properties, with the nearest dwelling being over 80 metres away to the south-east (Broomsleigh South Lodge). That neighbouring property benefits from a similar form of equestrian development, comprising stables and a sand school. The development is therefore unlikely to result in any demonstrable harm to the amenities of nearby occupiers and no conflict with policy EN2 of the ADMP can reasonably be identified.

Biodiversity

- 6.24 A phase 1 ecology report accompanied the previous planning application that was for a greater scale of development but the same part of the wider site and followed a site visit carried out on 18th January 2021. The report acknowledged that no habitats of international, national, county or local importance would be directly affected by the larger development. The Site was considered to be of low ecological value, with the species recorded described as common or abundant and as found in similar places across much of Britain. The report set out a number of generic mitigation measures that were expected to be secured as part of a condition and would have the effect of reduce any impact the development proposals may have on local wildlife.
- 6.25 On 23rd March 2021, Kent County Council's Biodiversity Officer responded to this report by requiring further information to be submitted including further surveys along with any necessary mitigation measures for great crested newts and reptiles, clarity on any impacts upon priority habitats and lighting to be used as part of the development.
- 6.26 A follow-up survey then took place by the ecologists on 16 June 2021. A Habitat Suitability Index (HSI) score was calculated for a field pond located 150m north of the Site. This was found to be below average suitability to support great crested newts. An ornamental pond exists within the subject residential plot, but this does not hold standing water. Regarding reptiles, the Site is dominated by managed grassland. No species of herpetofauna were seen or found sheltering, hence the risk of identifying reptiles within the Site was found to be low. Finally, the ecological addendum noted that whilst there are a number of mature trees located on or adjacent to the Site, none were considered to be veteran, which is a key criteria for Wood Pasture and Parkland Habitat). The addendum referred to the previously submitted tree survey that did not contain reference to a single specimen with a diameter greater

than 1.5m. On this basis, along with the fact that no trees were affected by the previously proposed development, and neither will trees be affected by the subject development, it is considered that the Site is not considered to be parkland habitat.

- 6.24 The previous ecology report's mitigation measures were secured by condition, with further details being subsequently approved under reference 23/00429/DETAIL. The proposed extension to the sand school will not disrupt those previously approved mitigation measures. As such, it is considered that there will be no grounds to refuse this application on the basis that it fails to prevent any net loss of biodiversity.

7.0 CONCLUSIONS

- 7.1 The proposal is considered to be entirely appropriate development in the Green Belt and will serve the domestic equestrian needs of the occupants of Broomsleigh Park. The extensive, mature screening around the perimeter of the Site, coupled with the absence of any additional buildings also mean this should be considered an acceptable form of development within an AONB. Sufficient distance separates the Site from any other residential property, whilst there are no ecological harms that have been identified that would warrant a refusal.
- 7.2 In conclusion, the proposal comprises sustainable development that accords with the policies of the Development Plan and relevant material considerations. As such, in accordance with paragraphs 11 and 38 of the Framework, this application should be viewed positively by the authority and it is respectfully requested that this submission is approved.