

HOWARD SHARP & PARTNERS

Limited Liability Partnership
Chartered Surveyors
Chartered Town Planners

125 High Street
Sevenoaks
Kent TN13 1UT
T: 01732 456888
F: 01732 740910

and at

79 Great Peter Street
Westminster
London SW1P 2EZ
T: 020 7222 4402
F: 020 7233 0762

Robert Wickham MA Phil(TP) PrD FRICS MRTPI
Jacqueline Andrews BSc FRICS MRTPI
Jonathan Harbottle BSc MA(TP) MRICS MRTPI

Consultants:
Roger Molyneux RIBA
Jeremy Emmerson BA DipArch RIBA
Michael Maan BA MRTPI

Associate:
Tom Hutchinson BA MA MRTPI

Registered in England No. OC304268
Registered at the Westminster office

Our Ref: ROLW/DPP

Your Reference: P-12652455

November 2023

**43B LONDON ROAD
SEVENOAKS, KENT
TN13 1AR**

PLANNING AND HERITAGE STATEMENT SUPPORTING THE APPLICATION FOR A CHANGE OF USE CLASS E TO 1 DWELLING

1.0 Introduction

1.1 The Application and the Building

This is for a change of use to one dwelling.

1.2 The Application Site

The attached map and description indicate that the property now number 41 is the main house originally the subject building was ancillary. We consider it dates from the late 18th Century.

2.0 Planning Policy Framework

2.1 This and the following sections analyse the appropriate policy background for the consideration of this Planning Application. In general terms it is argued that as the development plan is now dated, the presumption in favour of development applies under the National Planning Policy Framework. The emerging replacement plan has been found to be unsound. The issue has been challenged in the courts but without success.

2.2 The Development Plan

The Statutory Development Plan is the Sevenoaks District Council Core Strategy adopted in February 2011 along with the Sevenoaks District Council Allocation and Development Management Plan (ADMP) of February 2015.

2.3 In July 2018 the Council published a consultation version of the Draft Local Plan for Sevenoaks and it was considered by the inspectorate in 2019/2020. It was the intention that this plan with minor changes would carry forward some of the policies of the previous documents.

2.4 The property is within the Sevenoaks Urban Area, the key location for growth. Core Strategy Policy LO1 in the now dated Plan confirms that development will be focused within the built confines of the existing settlements and that Sevenoaks Urban Area will be a main centre for development in the district. This is continued in Policy 1 of the more recent Plan that was intended to replace the existing document.

2.5 Higher densities and concentration in the Sevenoaks Urban Area.

Policy LO2 in the 2011 Plan proposed new housing developments, particularly in "locations within the town centre or within easy walking distance of the town centre or mainline railway stations". Significantly this site is ideally located with access to the local shopping centre and is within ten minutes walk of the mainline railway station. In the now abandoned Plan there is discussion of higher densities at appropriate locations and this specific policy was proposed at Policy 12. The proposal is consistent with this approach to provide additional housing closer to the station and local shops.

3.0 **THE NATIONAL PLANNING POLICY FRAMEWORK (2021) – PROMOTING SUSTAINABLE DEVELOPMENT**

3.1 The overriding objective of the framework is to promote sustainable development and to achieve this it records that the planning system has three overarching objectives.

3.2 The objectives – generally to contribute to the achievement of sustainable development.

The three overarching objectives are set out in Paragraph 8 of the revised NPPF:-

- a) An economic objective – building a strong economy, ensuring sufficient land is available in the right places to support growth.
- b) A social objective – providing a sufficient number and range of homes and a good environment offering beautiful places.
- c) An environmental objective including significantly, making effective use of land and improving bio diversity, using natural resources prudently, mitigating and adapting to climate change including moving to a low carbon economy.

Whilst further changes are anticipated it is unlikely that the policy thrust to higher densities will be altered.

This Scheme contributes to all three objectives.

3.3 The housing policies in the Development Plan are clearly out of date.

Recently it proposed 3,300 homes over the Plan period 2006 to 2026. A need was acknowledged in the aborted Local Plan for 13,960 new homes in the Sevenoaks district area in the period up to 2035. On the basis of this assessment land supply in this district is modest. The land supply calculation on the best evidence available as at 2018/2019 indicates a less than 1 year's land supply as at the time of the submission of the new Plan. The relevant figures are as follows:-

Requirements 2015 to 2035 (see page of DLP)	13,960
Completion 2015 to 2018 (see page 32 of DLP)	1,104
The homes required 13,160 minus 1,104 equals	12,856
Sites with Planning Permission and under construction in 2018	1,784
Requirement 12,856 minus 1,784 equals 11,072 homes over 18 years	
equals 615 per annum plus 123	
738 per annum	

Land currently available for 681 homes (see SHLAA) July 2018, this gives less than one year's supply of housing land. More recent studies indicate a similar shortfall.

3.4 Housing Delivery Test – Action Plan for Sevenoaks District

The Housing Delivery Test Action Plan of 2022 confirms that due to the under delivery of housing in the district, the presumption in favour of development applies under the NPPF. In addition, a buffer of 20% must be included in the land supply calculations.

3.5 Presumption in Favour of Grant of Permission due to the Housing and Land Supply Situation as is confirmed in the Council's own Action Plan

Paragraph 11 of the NPPF comes into full play and the presumption in favour of development applies. Whilst words "tilted balance" is sometimes applied they emerge from a series of court cases relating to the original NPPF. It is yet to be evident from court decisions whether this particular interpretation is appropriate to the now revised NPPF.

3.6 In the Appeal Decisions for the Land at Broomhil, Swanley (APP/A/132197478, 2197479, 2195874 and 2195875) the Inspector found *inter alia*:-

"the Core Strategy was formulated prior to the guidance in the Framework coming into the decision making process. The emphasis has changed in the framework and, in my view, this is an important material consideration".

3.7 Given that the Council currently attest of footnote 8 to paragraph 11, then permission should be granted in accordance with NPPF paragraph 11, unless "any adverse impact of doing so would significantly and demonstrably outweigh the

benefits". The proposal conforms with the old Plan and does not infringe or harm any of the footnote circumstances such as AONB or Green Belt.

4.0 **Other Relevant Material Considerations**

4.1 Smaller Sites Encouraged by NPPF

The NPPF at paragraph 69 encourages the development of smaller sites. Whilst the details of the new NPPF are only emerging the indications are that smaller sites are to be prioritised

4.2 The NPPF also encourages effective use of land. Section 11 of the Framework puts emphasis upon effective use of land, particularly brownfield land. This Proposal meets two of the tests of paragraph 120.

Paragraph 120

- c) Weight should be given to the value of using suitable brownfield land within settlements.

Comment – this is a prime case this is a site within a town centre.

- d) "Promote and support use of under utilised land, especially if this would help in the identified needs for housing where land supply is constrained ..."

Comment – the land supply is constrained by Green Belt; the housing need for Sevenoaks is acute.

4.3 Changes in Demand

Paragraph 122 refers to the changes in demand for land and the need to move between allocation.

4.4 Achieving Appropriate Densities – as stressed in both NPPF and the former Draft Plan for Sevenoaks, paragraph 124 of the NPPF points towards the need to increase densities, particularly in areas of acute land shortage.

4.5 Variety of Housing in the District

The now abandoned emerging Policy looks to a variety of sizes of dwellings (see Policy 8). The Strategic Housing Market Assessment presented to the Council in 2015 found a particular need for two and three bedroom homes.

4.6 The Heritage and Character of the Site

We intend to improve the assets by its restoration to domesticity. We will remove inappropriate commercial accretions such as the door and one window providing customised panel timber door and window to accord with the venicular. The inappropriate accretions will be removed including the condensers and re-instate the integrity of the domestic building separate from the commercial to the front. The latter appears to be a late 19th or early 20th century structure.

4.7 In Terms of Impact on the Heritage Asset

The reintroduction of the residential flat on the second floor will be consistent with the long time domestic use of the upper floors.

5.0 **Overall Planning Balance**

- 5.1 The Scheme illustrated shows how additional housing accommodation can be achieved on the site. The Proposal is consistent with the out of date Plan and it is now accepted there is not a five year supply of land, nor have housing production figures met the requirements as illustrated. Therefore, on three counts there is strong presumption in the favour of the current application and permission should be granted in accordance with the advice of the NPPF, which indicates that permission should be granted on the basis of a presumption in favour of development.

We consider therefore that the planning application accords with the requirements of National Policy and the Adopted development Plan.

Dr Robert Wickham, MA, FRICS, MRTPI
Research Fellow and Honorary Lecturer Anglian Ruskin University
Chartered Valuation Surveyor
Chartered Town Planner
Howard Sharp and Partners

Enc.