
Appeal Decision

Site visit made on 13 December 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/M3645/W/21/3273081

Haxted Kennels, Dwelly Lane, Edenbridge TN8 6QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Verity Child against the decision of Tandridge District Council.
 - The application Ref TA/2020/2222, dated 11 December 2020, was refused by notice dated 22 February 2021.
 - The development proposed is Demolition of existing kennel buildings and replacement with six dwellings with garages to plots 2, 4 and 6, with access and parking.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing kennel buildings and replacement with six dwellings with garages to plots 2, 4 and 6, with access and parking, at Haxted Kennels, Dwelly Lane, Edenbridge TN8 6QA, in accordance with the terms of application Ref: TA/2020/2222, dated 11 December 2020, and subject to the conditions set out in the attached Schedule.

Procedural Matter

2. Planning permission already exists on the site for the demolition of the kennel buildings and the erection of six dwellings. This development has commenced on the site and the appeal proposal seeks revisions to the approved scheme.

Main Issue

3. The main issue is whether the proposal represents inappropriate development within the Green Belt.

Reasons

4. Paragraph 147 of the National Planning Policy Framework (the Framework) confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it lists a number of exceptions, including 149(g), which relates to the 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.
5. As identified above, development has commenced on the site and as a consequence, the kennel buildings referred to in the description of development

have already been demolished. Despite this, the planning history is clear that buildings did exist on the site and that permission has been granted on the basis of the exception outlined in Paragraph 149(g) of the Framework. The proposal seeks an amendment to that approval and consequently, I am satisfied that exception (g) remains an appropriate basis against which to assess the proposal.

6. Photographs provided within the evidence demonstrate that the kennels which previously existed on the site provided a utilitarian, rectangular block of buildings which enclosed a central courtyard. Accordingly, from both a visual and spatial perspective, the buildings had an imposing presence on the site which would have had a strong impact on the openness of the Green Belt.
7. Based on the evidence before me, the Council was of the view that the approved development generated an open and organic form. Gaps between buildings provided visual breaks and consequently, the proposal would not have had a greater impact on the openness of the Green Belt than the kennel buildings. In the Council's view, the provision of garages for three of the proposed dwellings would dilute this design feature, thereby creating an overall mass that would be detrimental to the openness of the Green Belt.
8. The proposal would increase the amount of building mass on the site, and I note the reservations from the Council that the proposal dilutes the betterment achieved by the previous approval. However, the proposed layout would still enable space to be perceived between buildings. The layout would provide a large central turning area and landscaped space, and where garages are proposed, a generous gap would remain to the adjacent dwelling. In this regard, the garage additions represent a very minor element of the broader development, and one which respects the well-considered layout and the openness it provides.
9. Consequently, I am satisfied that despite the increased volume of building, the site layout remains such that it would not have a materially greater impact on the openness of the Green Belt. On this basis, the proposal would meet the requirements of Paragraph 149(g) of the Framework, and accordingly, I conclude that the proposal would not represent inappropriate development within the Green Belt. It would therefore comply with the Green Belt protection aims of the Framework, as well as Policies DP10 and DP13 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014) which establish the local requirements for development within the Green Belt.

Conditions

10. In light of my findings set out above, conditions 1 and 2 are necessary in the interests of precision and clarity to establish the time limit for commencing development, as well as to list the approved drawing numbers. Condition 3 is necessary to ensure the external appearance would be appropriate to the surrounding area, and condition 4 is necessary in the interests of highway safety. Conditions 5 and 6 are necessary to ensure landscaping and lighting schemes which complement the surrounding environment, and condition 7 is necessary to control any risk of contaminated land.
11. Conditions 8, 9, and 10 are necessary in the interests of highway safety, and condition 11 is necessary to promote more sustainable means of transport. Condition 12 is necessary to ensure the provision of on-site renewable

provision, condition 13 is necessary to safeguard the ecological interests of the site, and condition 14 is necessary to reduce flood risk. Finally, conditions 15 and 16 restrict the permitted development rights for the dwellings proposed, and due to the nature of the proposal and its location within the Green Belt, I am satisfied that there is suitable justification for such restrictions.

12. Where conditions require work within a prescribed period of time, the appellant has agreed to these requirements in writing.

Conclusion

13. For the reasons identified above, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision refers to drawings numbered 2011, 2012, 2013, 2014, 2015, 2021, 2022, 2023, 2024, 2026, 2031, 2032, 2033, 2034, 2036, 2051, 2052, 2053, 2054, 2055, 2061, 2062, 2063, 2064, 2065 and HH-P003-00 Rev A scanned in on 17 December 2020 and drawing numbered 3001 Rev A scanned in on 07 January 2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings
- 3) No development shall take place above ground level until details of the materials (including physical samples) to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) The garage(s) hereby permitted/car spaces to be provided shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling(s) of which they form part and for no other purpose and shall be permanently retained as such thereafter.
- 5) No development shall take place above ground level until full details of both hard and soft landscape works (including SuDS) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - means of enclosure
 - car parking layouts (to include 3 spaces per unit min.)
 - other vehicle and pedestrian access and circulation areas
 - hard surfacing materials
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard

landscape works shall be carried out prior to the occupation of the development.

- 6) Details of any external lighting; including details of the lighting units and light spread, shall be submitted to and approved by the District Planning Authority in writing prior to any such provision on the site.
- 7) At least 28 days before the development hereby permitted commences, a detailed scheme of assessment consisting of site reconnaissance, conceptual model, risk assessment and schedule of investigation shall be submitted to and approved in writing by the Local Planning Authority. Before the development starts the scheme of assessment shall be carried out at such points and to such depth as the Local Planning Authority may stipulate and laboratory results shall be provided as numeric values in an electronic formatted spreadsheet in accordance with the standards of the *Environment Agency's Model Procedures for the Management of Contamination* (CLR11). A scheme for decontamination shall then be agreed in writing by the Local Planning Authority and the scheme as approved shall be implemented before any part of the development hereby permitted is occupied.
- 8) No part of the development shall be first occupied unless and until the proposed modified vehicular access to Dwelly Lane has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 10) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) construction vehicle routing to and from the site
 - (e) measures to prevent the deposit of materials on the highway
 - (f) on-site turning for construction vehicleshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 11) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

- 12) The development hereby permitted shall not be occupied until the photovoltaic panels and Air Source Heat Pump have been installed and connected in accordance with the Energy Statement created by EZ Consultants scanned in on 17 December 2020. Once implemented, the specified renewable energy technology shall be retained and maintained for as long as the development remains in existence.
- 13) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Section 5 of the Ecology Survey of Haxted Kennels, Dwelly Lane, by ASW Ecology dated January 2014 and scanned on 17 December 2020.
- 14) The development shall be carried out in accordance with the submitted flood risk assessment (ref 5451, prepared by Ambiental) and the following mitigation measures shall be implemented before any of the development is occupied:
1. Finished floor levels shall be set no lower than 47.46 metres above Ordnance Datum (AOD)
 2. Sleeping accommodation to be on the first floor
 3. Flood resilient and resistance measures should be incorporated into the building design
 4. domestic gardens will be a minimum of 8m from the river
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwellings hereby permitted shall be carried out without the prior permission in writing of the Local Planning Authority.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the Local Planning Authority.