



Appeal Decision

Site visit made on 2 May 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Appeal Ref: APP/G2245/W/22/3310046

Little Oak End, High Street, Sevenoaks, Kent TN13 1HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Simon Heinrich against the decision of Sevenoaks District Council.
 - The application Ref 22/01851/CONVAR, dated 1 July 2022, was refused by notice dated 24 August 2022.
 - The application sought planning permission for the 'proposed change of use of outbuilding to holiday accommodation' without complying with a condition attached to planning permission Ref 22/00419/FUL, dated 13 April 2022.
 - The condition in dispute is No 4 which states that: *The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main residence or by any persons exceeding a period of 28 days in any calendar year. An up-to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home address and their date of arrival and departure from the accommodation.*
 - The reason given for the condition is: *To prevent the use of the holiday let accommodation as a sole residence or dwellinghouse, in the absence of satisfactory amenities in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.*
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. Planning application 22/00419/FUL granted permission for change of use of an outbuilding sited at the rear of Little Oak End, a semi-detached property sited on Sevenoaks High Street, into holiday accommodation.
3. The application the subject of this appeal sought to remove condition 4 of this approval, which restricts the use of the outbuilding to short term holiday accommodation. The reason for the condition is to prevent the outbuilding being used as a permanent residence, in the absence of satisfactory amenities.
4. The appellants state that the proposal is to allow for longer term lettings, however the removal of this condition would allow for full time permanent occupation as a person's sole residence and I have assessed the proposal as such.

Main Issue

5. As such, the main issue in this case whether the condition is necessary and reasonable having regard to the living conditions of the occupiers.

Reasons

6. The outbuilding in question is part of the current curtilage of an existing residential property located on Sevenoaks High Street. The outbuilding is accessed through the side access next to the property and directly faces the rear courtyard area.
7. Policy EN1 of the Sevenoaks Allocations and Development Management Plan (2015) (DMP) requires high quality design. DMP Policy EN2 expands on this by setting out that proposals will be permitted where they would provide adequate residential amenities for existing and future residents of the development.
8. I observed that the outbuilding is limited in size, constrained to a single room on the ground floor (with separate toilet) and steep steps up to a doorless bedroom area on the first floor. The Council measure the floorspace as approximately 33sqm, and the appellants do not dispute this. Such a small space would result in a particularly confined and overbearing living space when occupied for lengthy periods or on a permanent basis resulting in inadequate living conditions.
9. I acknowledge that neither DMP Policies EN1 nor EN2 reference the National Space Standards¹. However, in this context these standards provide a useful guide to what is considered appropriate in terms of floorspace provision, and therefore adequate residential amenities. It is noteworthy that the measured floorspace falls significantly short of the 58sm² required for two storey 1 bed dwellings. Therefore, while they have not been determinative, they reinforce my views regarding the adequacy of the available living space.
10. Moreover, whilst the first floor bedroom area is served by a Juliet balcony, this is obscure glazed. Two roof lights provide light and the only limited outlook at a high level. Whilst this may be acceptable short term, given the transitory and temporary nature of holiday let occupation, they would not provide adequate outlook for this room should the accommodation be permanently occupied.
11. Appropriate living conditions would not therefore be provided for long term/permanent occupation.
12. The appellant questions what is meant by 'holiday accommodation condition scheme', however, this seems to adequately describe the existing permitted use under application 22/00419/FUL, and there seems no confusion in this respect. I note that the appellants set out that the proposal complies with other parts and specific requirements of DMP Policies EN1 and EN2, however, this to be expected in any development and does not weigh in favour of the proposal.
13. There has been no compelling evidence presented to me to indicate why long term/permanent occupation would be appropriate. Therefore, I conclude that the disputed condition continues to serve a useful purpose and remains necessary as the proposal would result in poor living conditions for future

¹ Technical housing standards – nationally described space standard. Department for Communities and Local Government (2015)

occupiers. It would fail to accord with the high-quality design and residential amenities requirements of DMP Policies EN1 and EN2.

Other Matters

14. Along with its attached neighbour, No 1, Little Oak End is Grade II Listed and sited within the Sevenoaks High Street Conservation Area (CA). Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and preserving listed buildings and their setting or any features of architectural or historic interest which they possess.
15. No 1 and Little Oak End make up a C18 two -three storey property, with mid C19 alterations and modern restoration. Their significance derives from its special architectural and historic interest, in addition to its prominent position on the southern entrance to the town. The listing description notes the attractive symmetrical façade, numerous architectural details such as 'centre projecting tile-hung gable over-sailing on first floors and supported on carved stone brackets and brick pilasters on ground floor either side of centre door ', sash windows, end corner brick plasters, and mullioned and transomed lattice casement on first floor in centre projecting gable with small attic window above.
16. The outbuilding is sited to the rear of main house but is also immediately to the rear of the neighbour, The Royal Oak Tap. This building is also a C18 Grade II Listed building. Again, its significance derives from its location and special architectural and historic interest. The listed description notes a hip tiled roof, 2 storey painted brick elevation with random stone plinth, and 2 flat-roofed leaded dormers.
17. The proposal involves no external alteration to the outbuilding. The removal of the condition would intensify its use; however, this would have little impact on the architectural qualities of the listed buildings and would not harm how the heritage assets are experienced and appreciated individually or cumulatively as a group.
18. Accordingly, I find that their significance would be preserved, in accordance with the Act. It is noteworthy that the Council found similarly in this regard.
19. The Sevenoaks High Street Conservation Area Appraisal and Management Plan (2008) sets out that its significance lies with its historic importance, including the importance of the southern approach to Sevenoaks, the sense of enclosure generated by the High Street and London Road, and the attractive sense of human scale of the area. Again, given the lack of built development and mixed use of the surroundings, the proposal would preserve the character and appearance of the CA. It is again noteworthy that the Council found similarly in this regard.

Conclusion

20. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed

B Phillips INSPECTOR