



Appeal Decision

Site visit made on 12 December 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/G2245/W/23/3316549

Singles Cross Farm, Singles Cross Lane, Knockholt TN14 7NG

- 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 Mr J Sweeting against the decision of Sevenoaks District Council.
- The application Ref 22/00690/FUL, dated 03 May 2022, was refused by notice dated 21 September 2022.

The development proposed is demolition of existing buildings and structures and their removal from the site, retention of existing stables and erection of a new dwelling, stables, store building and tractor sheds.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and structures and their removal from the site, retention of existing stables and erection of a new dwelling, stables, store building and tractor sheds at Singles Cross Farm, Singles Cross Lane, Knockholt TN14 7NG in accordance with the terms of the application, Ref 22/00690/FUL, dated 03 May 2022, subject to the conditions contained within the attached Schedule.

Applications for costs

2. An application for costs was made by Mr J Sweeting against the decision of Sevenoaks District Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issues has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.
4. The site lies within source protection zone 3 and upon a principal aquifer. Development of the site therefore poses a risk to groundwater resources. Following the Council's refusal of the scheme, the appellant provided a drainage strategy. Based on this additional information, and subject to planning conditions relating to foul drainage and infiltration of surface water drainage into the ground, the Environment Agency no longer objects to the proposal. On this basis, the Council is no longer pursuing the second reason for refusal stated on its Decision Notice, and I need not consider this matter further.
5. The appellant has provided an acoustic report alongside their appeal statement. The Council has advised that the acoustic requirements for the proposed residential dwelling could be achieved with a combination of

mitigation measures. Consequently, the Council is no longer pursuing the third reason for refusal stated on its Decision Notice, and I need not consider this matter further.

Main Issue

6. The main issue in this appeal is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including the effect of the proposal on the openness of the Green Belt

Reasons

7. The appeal site is a livery yard comprising barns, stables, and associated paddocks and fields, located within the Green Belt. Policy LO8 of the Sevenoaks Core Strategy 2011 (CS) seeks to maintain the extent of the Green Belt and CS Policy LO1 requires development take place only where it is compatible with policies for protecting the Green Belt.
8. The Framework sets out the Government's planning policies for England and, with the exception of the forms of development listed at paragraphs 154 and 155, regards the construction of new buildings within the Green Belt as inappropriate.
9. Some respondents raised concerns that the proposal would result in the development of land and buildings used for agricultural purposes. However, the planning history for the appeal site confirms the site is in use for livery purposes, and on this basis comprises previously developed land.
10. At paragraph 154 g), the Framework allows the limited infilling or partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Openness has both spatial and visual elements.
11. The proposal would result in the demolition of some buildings and structures and would involve construction of a new dwelling and a building comprising stables, a store and tractor shed. There is disagreement between the parties as to whether the proposal would result in a net increase or decrease in the total floor area of buildings on the site.
12. However, the Council's estimate, which excluded uses of land such as the caravan and fuel container, suggests the proposal would reduce the site's built volume by around 20%, with the appellant calculating a reduction in volume of around 9%. Whilst there are discrepancies between the data provided by each party, the evidence indicates the proposal would provide an overall reduction in the volume of built development on the site.
13. In addition, plan no COB/20/1098/106 indicates the total area of hardstanding would be reduced. The spatial impacts on Green Belt openness associated with the proposed development would therefore be a reduction in the scale of built form on the site.
14. The site is adjacent to Singles Cross Lane, a narrow, single carriageway, rural lane with no pedestrian footway. The site access is situated away from built development on the site, and therefore the view through the gated access

- overlooks the equestrian sand school. A tall, dense hedgerow along the highway edge generally screens the site from view from the public highway.
15. The proposed buildings would be constructed broadly on the footprint of the buildings to be demolished, and therefore would not encroach into areas of countryside.
 16. The proposed dwelling would be located in the position of the existing Pole Barn. The layout of the proposed dwelling would differ in shape to that of the Pole Barn, with a garage and bedroom projecting forward of the front elevation, and a single storey side projection providing a utility room and WC. The proposed dwelling would therefore have a larger footprint than the existing Pole Barn, and would be two-storey, thereby providing greater floorspace. The roof ridge height would be 7m, and therefore would be taller than the approximately 5m high Pole Barn. The Pole Barn is open sided, allowing views through to land beyond, whereas the proposed dwelling would be constructed of brick. The proposed dwelling would therefore be larger and more substantial in appearance than the building it replaces.
 17. However, the proposed dwelling would be set back in the site and would generally be obscured from view from the highway by the proposed tractor shed and stable building, and by dense boundary vegetation. Therefore, views of the dwelling would be limited even in winter months. Due to the position of the access, off-set from the site's side boundary, views from the highway through entrance gate would be at an oblique angle, and thus indirect and partially obscured by the site's features. Therefore, whilst the proposed dwelling would be visible from Nos 6 and 7 Randle's Lane, it would be of limited visual prominence from publicly accessible vantage points such as the highway, and therefore would not have an urbanising effect upon this rural location.
 18. The existing Main Barn and stable block are situated adjacent to the boundary to Singles Cross Lane. Whilst the Main Barn is open on three sides, the elevation facing the highway is solid blockwork. From the public highway, the Main Barn's pitched roof including the enclosed gable ends are visible through and above the upper section of the hedgerow. The barn's open sides are concealed from public view and therefore, the appearance of the roof implies the presence of a substantial building. In addition, the gable end and roof slope of the existing stable block is clearly visible above a section of timber close-boarded fence.
 19. The new building would adjoin the existing stable block, occupying part of the footprint of Main Barn, and would provide additional stables, hay store, feed room, wash bay and tractor sheds. As indicated in the Council's delegated report, the proposed building would be smaller in floor area and built volume than the Main Barn, stables and stores it replaces.
 20. The structure of the existing stable block would be retained. However, the roof pitch would be reduced, thereby lowering the ridge height from 4.8m to 3.4m. The roof height of the tractor shed and store/feed building would be 3m, and therefore would be significantly lower than the roof height of the existing Main Barn.
 21. Due to the lower roof heights, the proposed tractor shed and stable building would be less visually prominent from public vantage points than the existing Main Barn and stable.

22. The residential boundary of the dwelling would be demarcated by a 1.2m high post and rail fence. By virtue of its height and form, allowing views between posts and rails, this boundary treatment would be of relatively modest visual impact within its context and would appear in keeping with the fencing that encloses adjacent paddocks, and dwellings and buildings to the east of the site. Therefore, the boundary treatment would not materially affect openness.
23. The proposal would not increase the spread of built form but would reduce the overall volume of built development on the site. In addition, the proposal would not increase the visual bulk of development. Through reducing building heights in the most visually prominent parts of the site, the proposal would reduce the visual impacts of development on the site and would enhance perceived openness from the public highway.
24. Consequently, the proposal would reduce the cumulative spatial and visual impacts of development on the site. Therefore, the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.
25. On this basis, the proposal would satisfy paragraph 154 g) of the Framework, and therefore would not be inappropriate development and would not harm Green Belt openness.
26. The proposal would therefore comply with the provisions of CS Policies LO1 and LO8 which seek to maintain Green Belt openness, and Policy LT2 of the Allocations and Development Management Plan 2015 which supports proposals for equestrian development in the Green Belt, where the scale and cumulative impact of development does not harm the openness of the Green Belt.

Other Matters

27. The proposed development would utilise the existing access serving the livery yard. The Council, and some residents, raised concerns the access has only recently been opened up. However, the appellant asserts this is a historical access to the site. There is disagreement between the parties as to whether the access arrangements form a part of the proposal. However, paragraph 6.20 of the Design & Access Statement indicates use of the access is part of the application, and the access and visibility splays are demarcated on proposed site plan COB/20/1098/103D. I therefore consider the access arrangements comprise a part of the proposal as submitted.
28. Comments received from Kent County Council in April and July 2022 indicate the proposal does not meet the criteria to warrant involvement from the Highway Authority. The Council's assessment of the scheme does not identify highway safety concerns, and such matters did not form a reason for refusal. From my observations during my site visit, I am satisfied the existing access would be of a suitable standard to serve the proposed development.
29. Concerns were raised by local residents that the meadow area to the rear of the proposed dwelling would benefit from permitted development rights. Proposed site plan COB/20/1098/103D demarcates the boundary of the residential area, drawn relatively tightly around the dwelling and excluding the meadow area. The extent of the residential curtilage can be secured through a planning condition.

30. One respondent raised concerns regarding the effect of the proposal on protected species, including populations of Great Crested Newt (GCN) and Slow Worm which they suggest have been spotted on the site. The Preliminary Ecological Appraisal (PEA) indicates there is some limited potential for GCN to be present within the hedgerow and to cross the site overnight and recommends a precautionary working method statement should be followed to ensure no harm comes to GCN during the construction phase. The PEA indicates that due to the connectivity to the woodland in the west through suitable habitat at the base of the hedgerow, there is some potential for reptile presence. To avoid harming reptiles during development, the PEA advises a precautionary approach to remove all habitat under the supervision of a suitably experienced ecological clerk of works.

Conditions

31. The Council has provided a list of suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. The appellant's letter dated 29 August 2023 confirms they consider the suggested conditions to be acceptable thus providing written confirmation of their agreement to the suggested conditions, which includes a number of pre-commencement conditions.
32. In addition to the standard time limit of the planning permission granted, in the interests of certainty, I have attached a condition specifying the approved plans.
33. To ensure the development conserves the character and appearance of the area, as required by ADMP Policy EN1, I have attached a condition requiring external materials match those specified on the approved plans. To prevent inappropriate development within the Green Belt and encroachment into the countryside, I have included a condition specifying the extent of residential curtilage as indicated on the approved plans. Also, in the interests of character and appearance, I have attached a condition requiring submission of a landscape scheme.
34. To maintain living conditions for occupiers of neighbouring properties and conserve local character, in accordance with ADMP Policies EN1 and EN2, I have attached conditions limiting the use of external lighting, and specifying the days and times when construction may take place. For this reason, and in the interests of highway safety, I have attached a condition requiring submission of a construction management plan.
35. To encourage the use of low emission vehicles in accordance with ADMP Policy T3, I have attached a condition requiring submissions of details relating to the location and appearance of electric vehicle charging points.
36. To provide adequate living conditions for future occupants of the development, in accordance with ADMP Policy EN2, I have attached a condition requiring submission of a scheme of acoustic mitigation works. In addition, I have attached conditions requiring submission of a scheme to deal with risks associated with contaminated land and setting out procedures in the event contaminated land is discovered during construction.

37. I have attached conditions requiring submission of details of mitigation measures and a scheme to enhance biodiversity, to prevent harm to protected species and deliver ecological enhancement in accordance with CS Policy SP11.
38. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution, I have attached conditions requiring submission of details of surface water drainage and a foul drainage strategy.

Conclusion

39. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, including the provisions of the Framework, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2712 01; COB/20/1098/01; COB/20/1098/102A; COB/20/1098/103D; COB/20/1098/104; COB/20/1098/105; COB/20/1098/ 106; COB/20/1098/108; COB/20/1098/109.
- 3) The materials to be used in the construction of the development shall be those indicated on the approved plan: COB/20/1098/102A and COB/20/1098/104A.
- 4) The curtilage to the dwelling shall be as indicated on the proposed site plan drawing no COB/20/1098/103D hereby approved.
- 5) Prior to the first occupation of the new dwelling, full details of both hard and soft landscaping, including details of any hard surfacing and boundary fencing, shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the soft landscaping shall be implemented not later than the first planting season following the first occupation of the dwelling.
- 6) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height and design of the lighting and measures to control light spillage and intensity of illumination. Only the approved details shall be installed.
- 7) Prior to the commencement of development, details of a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles and site personnel; timing of deliveries; provision of wheel washing facilities; details of how noise, vibration and dust shall be controlled during the construction period and how waste resulting from demolition and construction works shall be recycled/disposed of. The development shall be carried out only in accordance with the approved details.
- 8) Prior to development reaching the damp proof course, details of the location and type of an electrical vehicle charging point shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of the charging point and the appearance of the charging point. The approved charging point shall be installed prior to first occupation of the development and shall be maintained thereafter.
- 9) Prior to the commencement of the development hereby approved, details of precautionary mitigation measures to avoid any impacts upon protected species (including great crested newts, hazel dormouse, breeding birds, and nesting birds) shall be submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

- 10) Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. The approved details will be implemented prior to first occupation of the dwelling and thereafter retained.
- 11) Prior to commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local planning authority.
 - 1) A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site;
 - 2) A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - 3) Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - 4) A Verification Report Plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 12) If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the local planning authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The local planning authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local planning authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the local planning authority.
- 13) No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) and at no time on Sundays or Bank/Public Holidays.
- 14) Prior to the commencement of the development hereby approved, a detailed schedule of acoustic mitigation works, based upon the recommendations of the acoustic report (Pace Consult, November 2022), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 15) No drainage systems infiltration of surface water drainage into the ground is permitted, unless details have first been submitted to and approved in writing

by the local planning authority. The development shall only then be carried out in accordance with the approved details.

- 16) Prior to the commencement of the development hereby approved, a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and implemented prior to first occupation of the development.

END OF SCHEDULE