



Appeal Decision

Site visit made on 6 November 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/G2245/W/24/3340877

Land north of Warsop Trading Estate, Hever Road, Edenbridge, TN8 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Club Stars Limited against the decision of Sevenoaks District Council.
 - The application Ref is 23/02183/FUL.
 - The development proposed is erection of a 14no. bedroom, two-storey care leavers accommodation for short and long-term residents (16+ years), to include associated parking, office, hard and soft landscaping with a horticulture area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The proposed supported accommodation would be inappropriate development in the Green Belt according to the National Planning Policy Framework. The main issues are therefore the effect on the:-
 - Openness and purposes of the Green Belt;
 - Character and appearance of the surrounding area, including the setting of the adjoining Edenbridge Conservation Area;
 - Biodiversity;
 - Public rights of way; and
 - Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

3. The appeal site is part of a wider area of grazing and meadow land bisected by the River Eden on the edge of the town. The plot itself is undeveloped but contains some scrub and grassland and is crossed by a public footpath (SR612). Access to the proposed building and small parking area would be gained from Hever Road which is about 100m to the south.

Openness and Green belt purposes

4. Planning Practice Guidance on *Green Belt* gives an indication of the factors to be taken into account when considering the potential impact of development on openness. The proposed flat-roofed building would be two stories in height with an internal floor area of 428 sq m. It would therefore be fairly substantial

in terms of its overall size and so would reduce openness accordingly. The impact would be accentuated by its location away from other buildings and so the proposal would intrude significantly into the unspoilt fields on the periphery of Edenbridge. Overall, there would be a significant loss of openness which is one of the essential characteristics of Green Belts.

5. For the same reasons, the proposed building would encroach into the countryside and so undermine one of the purposes of the Green Belt set out in the Framework. However, it would be sufficiently separated from the historic town such that its setting and special character would be preserved. As such, there would be no conflict with that Green Belt purpose.

Character and appearance

6. The western end of Hever Road comprises typical mid twentieth century housing and earlier terraces. Opposite the proposed access is Warsop Trading Estate which contains utilitarian industrial and commercial buildings. However, the proposed development would be well to the north of the road and would therefore not be perceived as an extension of the town. Rather it would be seen in conjunction with the fields that surround it which are distinctly rural.
7. The building has been designed with timber cladding and a sedum roof to create a rustic aesthetic and is also described as "intuitive". Whilst this approach would serve to downplay its appearance, it would not alter the significant length, width and height of the proposal. Nevertheless, views from Hever Road would largely be shielded by existing roadside hedging and other vegetation on the intervening land. Furthermore, the site is slightly lower than the road. As such, the building would not be especially prominent from this direction. Similarly, from the public footpath to the west that leads into the town, greenery outside the site would provide a shield.
8. However, the boundaries of the site do not follow any existing features. Whilst hedging is indicated along them, the proposal would 'carve up' the existing land in an unnatural manner. Furthermore, the proposed access would require the removal of a short section of the roadside hedge and so would 'open up' glimpsed views of the proposal from Hever Road. It would also be apparent from footpath SR613 which runs parallel to the new access road. The building, together with the hard surfaced areas, any parked cars and other paraphernalia would further be visible from footpath SR612 to the east.
9. All in all, the proposal would have a major urbanising impact on the immediate surroundings and so would seriously erode the intrinsic qualities of this pleasant and attractive area of countryside.
10. Edenbridge Conservation Area is extensive and covers the historic town but also includes some of the water meadows to the east. The value of this open part of the conservation area is to provide a foil to the buildings that lie behind it, especially the church tower, and to give a rural setting to the town. The appeal site and surrounding land perpetuate the flat landscape within the conservation area. Nevertheless, their contribution to the significance of the heritage asset is limited due to the strong lines of vegetation between the two.
11. Although the proposal would be a sizeable building it would be fairly well contained and separated from the edge of the conservation area. As such, it would not impinge negatively on its setting which would still be understood and

appreciated as a historic town with open land on its immediate outskirts. In these circumstances Policy EN4 of the Allocations and Development Management Plan on heritage assets would not be breached.

12. However, the proposal would harm the character and appearance of the surrounding area which would be at odds with Policy EN1 of the Allocations and Development Management Plan. This seeks to create high quality design by, amongst other things, ensuring that the character of the site and the surroundings is respected and that the loss of open spaces would not have an unacceptable impact.

Ecology

13. The proposed development would be within the River Eden Local Wildlife Site. The Preliminary Ecological Appraisal identified breeding birds, hedgehogs, badgers, invertebrates, foraging and commuting bats, otters and water voles as present or potentially present within the site. Although the mandatory provisions of net biodiversity gain are not applicable, Policy SP11 of the Core Strategy expects the biodiversity of the District to be conserved and opportunities sought for enhancement to ensure no net loss.
14. No irreplaceable habitats would be affected. However, large areas of mixed scrub of moderate habitat condition would be removed to accommodate hard surfacing and the proposed building. The amount of neutral grassland would also be reduced. The proposal would therefore result in the direct loss of parts of the Local Wildlife Site. According to the Biodiversity Net Gain Feasibility Study there would be a 66% loss in the biodiversity value of the area habitats within the site but a 284% gain in hedgerow habitat. The latter figure is high due to the extensive use of hedging along the site boundaries. Nevertheless, it is likely that the proposal would lead to a net reduction in biodiversity since the new hedgerows would not have the same value as the scrub to be removed.
15. Measures could be incorporated to manage the neutral grassland within the site or to include new areas of scrub. The scheme includes a green roof and tree planting could also be undertaken. However, the Feasibility Study refers to off-site compensation but there is no detail about what this would comprise or how it would be achieved. There is therefore insufficient clarity that this would reduce the deficit so that the habitats would at least be conserved.
16. No works are proposed next to the river and the appellant proposes a 5m wide no construction zone which could be required by condition. In this way there would be no adverse impacts for any otters or water voles. The Lighting Assessment refers to integral mitigation measures that would produce an environmentally sympathetic scheme. If necessary, a condition could be used to control the level of internal lighting.
17. However, there would be a net loss of biodiversity value at the site and it has not been shown how ecological enhancements would compensate for this. There would therefore be a conflict with Policy SP11.

Public rights of way

18. The public right of way through the site would need to be diverted. There are separate procedures for this. No objection was raised in this respect in an appeal at Tenbury Wells in 2022 (Ref: APP/J1860/W/21/3273533) but in that

case the proposal did not need to be constructed over either the existing or proposed routes. Here the proposed building would be on the line of SR612.

19. The suggested diversion would enable a connection to be maintained to the footpath as it heads towards the town. However, its alignment would be tight up against the new building and car park and would need to cross over the access road. The experience of footpath users on this section would be totally changed from one where the surroundings are pastoral to one that is dominated by built development and its trappings.
20. In this way, although not directly contrary to Policy EN1, the effect on users of the public right of way would be an adverse one and this is a further objection to the scheme.

Other considerations

21. The proposal is to offer supported accommodation for up to 14 young people aged 16-17 years who are transitioning from institutional care to independent living. Young adults leaving care placements have often endured difficulties which means that a semi-independent living model is particularly beneficial as they may have a wide range of needs. The proposed development would give them emotional support and allow tailored programmes to be devised together with a sense of stability, community and belonging. The intention is to equip residents with the skills they need to reintegrate into employment and to make their own living arrangements.
22. Those leaving the care system could be vulnerable and end up homeless or trapped in unsafe arrangements without guidance. The other main options for placements are supported lodgings, co-habiting with parents or relatives or supported independent living. The semi-independent arrangements envisaged would be a 'halfway house' that would provide formal supervision, social and recreational activities and ready interaction with others in a 'homely' environment. All of this would be beneficial and the Framework refers to the needs of different groups as well as promoting healthy and safe communities.
23. Furthermore, there is currently no supply of commissioned semi-independent, housing related support or shared accommodation for young adults in Sevenoaks. Indeed, it has historically been very difficult for the County Council and its contracted partners to source supported accommodation in this area. Affordability is the biggest hurdle. Indeed, the number of care leavers supported by Kent County Council in Sevenoaks is the lowest in the county. Policy SP9 of the Allocations and Development Management Plan indicates that the development of infrastructure facilities to resolve existing deficiencies will be supported.
24. The appellant undertook a sequential test for the entire District. This indicated that there are no suitable alternative sites at lower flooding risk that are available, deliverable and developable. Whilst undertaken for a specific purpose, the exercise also took into account the requirements of the accommodation such as the availability of open space and a quiet environment. In any event, it is not suggested that there are other feasible sites or locations for this kind of supported living.
25. The Council accepts that significant weight should be given to the proposed accommodation. It would meet the needs of a particular group for which there

is a dearth of provision and no obvious alternatives. That said, the report of the Chief Officer for People and Places details what is provided to care leavers through existing service provision and resources. It also notes that the demand from direct approaches by care leavers has been very low. Nevertheless, there would be great value in a bespoke facility of this kind which would have a positive influence on young lives and this is a consideration that significantly favours the proposal.

26. As the accommodation is intended solely for those within a particular age category, it is reasonable to suppose that the intended occupiers have a relevant protected characteristic. Therefore, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable.
27. Housing land supply in the District stands at 2.9 years which is well below the Government's expectations. It is agreed that 7 additional units would be included as part of the housing stock if the development went ahead. This would not reduce the total shortfall by much but in circumstances where future supply is so far behind, a small amount of extra provision assumes a greater worth. Indeed, the Framework observes that small sites can make an important contribution to meeting housing requirements. The appellant also makes the point that schemes of this nature need to foster a more intimate environment and therefore could not deliver a large volume of units.
28. One hundred houses were allowed in the Green Belt at Warlingham in 2023 (Ref: APP/M3645/W/22/3309334). As well as addressing the acute and persistent housing supply shortfall and delivering affordable housing, other benefits were taken into account. The decision therefore did not solely relate to the provision of housing and is not directly comparable to the proposal. Nevertheless, in the context of Sevenoaks, the contribution to the supply of housing is a matter that weighs significantly for the proposed development.
29. The appellant claims that a secluded location is crucial and integral to the aims of the supported accommodation and would have a "cathartic" effect on residents. Green space would be included between the building and the river and it is also intended to create a horticultural area. The benefits of improved well-being and health were noted by an Inspector in relation to a continuing care retirement community (Ref: APP/G2245/W/21/3271595). Whilst not quantifiable, the proximity to green space is likely to be particularly advantageous for those whose lives have previously been hard. This attracts moderate weight in support of the proposal.
30. Only a few jobs would be likely to be created in connection with the scheme so only modest weight can be given to the associated economic benefits.
31. The sustainability credentials of the building and the external materials selected are not so much above the norm that they should be given anything other than limited weight.
32. The proposal has been reduced in scale compared to a previous one that was refused by the Council. However, this response to the objections raised, is not something that, in itself, supports the proposed development.

Other Matters

33. The site is within Flood Zone 3 but the sequential test has been passed. Furthermore, the Flood Risk Assessment details mitigation measures which

could be secured by condition. The Environment Agency raises no objection. Similarly, the highway authority is satisfied with the proposed access arrangements and that the necessary sight lines could be achieved in line with Policy T1 of the Allocations and Development Management Plan. Residents would not have their own vehicles and the 7 parking spaces would be adequate for staff and visitors as required by Policy T2.

34. Other objections have been raised, including whether Edenbridge is a suitable location for the young people that would reside at the development. However, these do not add to the harm already identified.

Green Belt Balance

35. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. In addition, there would be a significant loss of openness and one of the purposes of the Green Belt would be undermined. Furthermore, there would be harm to the character and appearance of the surrounding area, biodiversity would not be conserved and the proposal would have a negative impact on users of the diverted public footpath. Together, these objections are of considerable force.
36. On the plus side, the proposal would provide supported accommodation for care leavers. As a purpose-built facility in a pleasant location this would be of high quality and so particularly beneficial to young people in this category. There are no obvious alternative sites where housing of a similar standard could be provided. This is a matter of significant weight in favour of the scheme as is the general contribution that would be made to the supply of housing. The proximity to open space is a further positive for the intended occupiers. Potential job creation and the nature of construction also support the proposal although not to the same degree.
37. There are strong considerations on both sides. However, the Government attaches great importance to Green Belts and the overriding aim is to protect Green Belt land. The other objections are significant too. Furthermore, the other considerations need to clearly outweigh the totality of harm which is a high threshold. Even when added together they would not do so in this case. As a result, very special circumstances do not exist.

Final Balance

38. Policy LO1 of the Core Strategy indicates that development will only take place where it is compatible with policies for protecting the Green Belt. That would not occur here. The extent of the Green Belt would be maintained so there would be no conflict with Core Strategy Policy LO8 but the proposal would be contrary to several other relevant policies. As such, it would not accord with the development plan as a whole and there are no material considerations that outweigh this finding.
39. In reaching this decision due regard has been given to the advantages for the intended occupiers of the proposal in line with the public sector equality duty. However, the harm caused by the proposed development would be serious and at odds with national policy. This outweighs its benefits in terms of eliminating discrimination against persons with a protected characteristic, advancing equality of opportunity and fostering good relations between them and others.

Conclusion

40. For the reasons given the proposal would be unacceptable and therefore the appeal should not succeed.

David Smith

INSPECTOR