



Appeal Decision

Site visit made on 23 April 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/G2245/W/24/3354194

Drill Hall, High Street, Westerham, Kent TN16 1RF

- 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 Mr and Mrs Gokmen against the decision of Sevenoaks District Council.
 - The application Ref is 24/01600/FUL.
 - The development proposed is to convert and change the use of the existing building into 4no self-contained flats (c3).
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Decision

1. The appeal is allowed, and planning permission is granted to convert and change the use of the existing building into 4no self-contained flats (c3) at Drill Hall, Westerham, Kent TN16 1RF in accordance with the terms of the application, Ref 24/01600/FUL, subject to the conditions in the attached schedule.

Background and Main Issue

2. The appeal site comprises a 19th Century community building. It is located within the Westerham Conservation Area and has been identified as a Non-Designated Heritage Asset (NDHA). This is due to it being considered a good example of a surviving civic amenity building. The Archaeological Officer has advised that the significance of this building is in its use by the community for community functions. As a result, the building may contain fixtures, fittings, variations to walls, windows and roof indicative of its original 19th century construction and use. In addition, it could contain archaeological evidence of its use as a public hall, even a Drill Hall used for civil defence during 20th century world wars.
3. The Council refused planning permission on the basis that the pre commencement conditions, recommended to record the building in its current historic community condition and monitor conversion works were not agreed.
4. During the application, the appellant asked the Council to review these conditions as they did not consider them to be suitable. As a result, the Council reverted to the archaeological consultant and when a response was received, they proceeded to refuse the application, but did not contact the appellant. I have considered the reasons for review in my decision.
5. During this appeal, the appellant has agreed the archaeology pre commencement conditions. As a result, the main issue is whether the proposed development would preserve and record archaeological remains and features of the community building.

Reasons

6. The Kent Historic Environment Record is seeking to identify and create a record of historic surviving civic amenity buildings. Considering this the Council have suggested two pre commencement conditions that would assist in recording the building in its current historic community condition so that this information can be added to the record.
7. The appellant raised questions regarding the suitability of these conditions given that the building is not listed, the interiors are not protected and there is no record of the building being a NDHA. However, the glossary to the National Planning Policy Framework (the Framework) specifies that NDHA's are assets identified by the local planning authority. As a result, given that the Council has advised that the building is a NDHA, it should be considered as such. In addition, the conditions would not seek to preserve the interior nor would they prevent the delivery of the proposed development.
8. Para 216 of the Framework details that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Para 218 further stipulates that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact. This aim aligns with Policy EN4 of Sevenoaks Allocations and Development Management Plan (SADMP)¹ which refers to recording where preservation in situ is not necessary.
9. In this case, as the proposal would result in the loss of the community asset, it would be proportionate to record the fixture and fittings of the community use of the establishment. This is proportionate as it does not prevent the development from taking place and will enable the significance of the building to be recorded and contribute to the record of historic surviving civic amenity buildings.
10. For the reasons above, in light of the agreed conditions, the proposed development would preserve and record archaeological remains and features of the community building. It would therefore be compliant with policy EN4 of the SADMP and the Framework which seek to record the significance of heritage assets to be lost, in a manner appropriate to their importance and impact.

Other Matters

11. Interested parties refer to the impact of the proposal on parking in the local area. The Council's Highways Officer considers the nil parking provision acceptable due to the sustainable location of the site and nearby facilities. Given the site is located in close proximity to the high street with good facilities, multiple bus stops and cycle parking provision is provided, nil parking provision would be acceptable.
12. The proposed bin and cycle stores would be located along the boundary with 1 Stratton Terrace. Interested parties have raised concerns that this arrangement would lead to disturbance and odours in proximity to openings on Stratton terrace. However, the bins would be within an enclosed store and the plans illustrate that the bin store would enclose wheelie bins, these measures would minimise odours and preserve the amenity for neighbouring residents. Reference is made to noise

¹ Adopted in February 2015

and disturbance arising from accessing the cycle store, but removing a bicycle from a cycle store is not a noisy activity.

13. The top half of the large arched window in the rear elevation of the appeal building would serve the main bedroom of Flat D. As a result, this window would provide a view of the side of 1 Stratton Terrace. However, this view would be limited to the window and door serving the kitchen and the passageway to the garden. Given the separation distance and because the openings affected do not serve a primary habitable space, this relationship would be acceptable. In addition, because the window serving the appeal property would serve a bedroom, its main use would be at night when it is plausible that some form of curtain would block out light and provide privacy. This would also limit the impact on the occupiers of 1 Stratton Terrace.
14. Reference is made to the scheme resulting in overdevelopment of the site, increased demand on local services and there being no room for emergency services to access the site. However, each proposed unit accords with the National Described Space Standards and therefore the site would not be overdeveloped. In addition, there is no evidence before me that would suggest that the additional occupants would place a burden on local services. With reference to the site being inaccessible to emergency services, the access arrangements for the site would be no different to the existing use and it has not been demonstrated that emergency services could not access the site.

Conditions

15. I have had regard to the Council's suggested conditions and the six tests. Where justified I have amended the wording of the conditions to meet the six tests. Some of those conditions are pre-commencement conditions. I have sought and obtained the written consent of the appellant for the pre-commencement conditions which I have imposed.
16. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
17. Given the site is situated on a busy road with limited parking, a pre commencement condition requiring the submission of a Construction Management Plan is required to preserve neighbouring amenity and highway safety.
18. Pre commencement conditions requiring a phased programme of archaeological building recording and a watching brief to be undertaken by an archaeologist are required to enable the significance of the building to be recorded.
19. Due to the appeal building being in close proximity to the highway at a relatively busy junction, a condition is required to agree a scheme to protect the proposed occupiers from traffic noise.
20. A condition is required to control external lighting to preserve the character of the area, the national landscape and protect neighbouring amenity. In addition, the condition to secure cycle parking and refuse storage is required to provide sustainable travel and appropriate living conditions for future occupiers.
21. The archaeologist has suggested a condition requiring the implementation of a programme of heritage interpretation. This is required to ensure community awareness, understanding and enjoyment of the heritage asset.

Conclusion

22. For the reasons given above the appeal should be allowed.

V Goldberg

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: (Job number 14215) 100-P01, 200-P01, 300-P01, 100-P02, 200-P02, 300-P02, 100-P03 and 200-P03. In addition to the following documents: Revised Design and Access Statement (ref 14215 Rev A), and Fire Statement (ref 14215).
- 3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall 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 used in constructing the development;
 - (d) programme of works (including measures for traffic management);
 - (e) measures to control the emissions of dust and dirt during construction;
 - (f) measures to control the emissions of noise during construction;
 - (g) a scheme for the recycling/disposing of waste resulting from demolition and construction works; and
 - (h) hours of operation.
- 4) Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.
- 5) Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the development works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.
- 6) Prior to the first occupation of any unit of the development, a scheme for protecting the proposed dwellings from noise from traffic on the adjacent roads shall be submitted to and approved in writing by the local planning authority. The scheme shall also account for commercial noises in the area and shall ensure internal noise levels accord with British Standard BS8233:2014. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is first agreed in writing by the local planning authority.
- 7) Prior to the installation of any external lighting, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The

external lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". The development shall be carried out in accordance with the approved details.

- 8) The cycle parking and refuse storage shown on the approved plans shall be provided prior to first occupation of the first dwelling and retained thereafter.
- 9) Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.