



**Late Observations Sheet  
DEVELOPMENT MANAGEMENT COMMITTEE  
04 January 2024 at 7.00 pm**

**Late Observations**



## DEVELOPMENT CONTROL COMMITTEE

Thursday 04 January 2024

### LATE OBSERVATION SHEET

#### 4.1 23/00505/FUL - Land North West of Little Browns Railway Bridge, Hilders Lane, Edenbridge Kent

Due to the amended version of the National Planning Policy Framework (NPPF) being published on the 19 December 2023, the numbering of the paragraphs has changed, as detailed below:

<b>Committee report paragraph</b>	<b>Revised NPPF paragraph</b>
Condition 8 – the reason for the condition references paragraph 169 of the NPPF regarding sustainable drainage.	Reason will now reference paragraph 175.
Condition 16 – the reason references paragraph 174 of the NPPF regarding land contamination.	Reason will now reference paragraph 180.
Paragraph 34 of the report references NPPF paragraph 158 regarding renewable and low carbon development.	This should reference paragraph 163 of the NPPF.
Paragraph 48 of the report references NPPF paragraph 147 regarding Green Belt.	This should reference paragraph 152 of the NPPF.
Paragraph 49 of the report references NPPF paragraph 148 regarding Green Belt.	This should reference paragraph 153 of the NPPF.
Paragraph 51 of the report references NPPF paragraph 151 regarding Green Belt and renewable energy projects.	This should reference paragraph 156 of the NPPF.
Paragraph 52 of the report references NPPF paragraph 151 regarding Green Belt and renewable energy projects.	This should reference paragraph 156 of the NPPF.
Paragraph 73 of the report references NPPF paragraph 199 regarding heritage.	This should reference paragraph 205 of the NPPF.
Paragraph 99 of the report references NPPF paragraph 111 regarding highway impact.	This should reference paragraph 115 of the NPPF.
Paragraph 100 of the report references NPPF paragraph 159 regarding flood risk.	This should reference paragraph 165 of the NPPF.
Paragraph 113 of the report references NPPF paragraph 161 regarding flood risk and the sequential test.	This should reference paragraph 167 of the NPPF.

Paragraph 128 of the committee report states that an expected generation of 10.7GWh of renewable energy is expected to be generated per year. The plant capacity of the solar farm is 10.7MW and would generate an estimated 10,700MWh annually which is 10.7GW per annum.

The revisions made to the NPPF do not alter the assessment made and the recommendation remains to approve the proposal as per the committee papers.

**Amend Recommendation to update Conditions 8 & 16 to refer to the revised NPPF.**

**8.** Prior to the first use of the site, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph **175** of the National Planning Policy Framework.

**16.** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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 from previously unidentified contamination sources at the development site in line with paragraph **180** of the National Planning Policy Framework.

## 4.2 23/02344/FUL - Chance Cottage, 104 Oakhill Road, Sevenoaks Kent TN13 1NU

### Planning History update

95/00084/HIST – Outline application for a detached dwelling. Refused 2 June 1995. Appeal lodged – Allowed at appeal by the Planning Inspectorate 12 December 1995.

### Additional consultee response

The Town Council included an informative in their comments stating:

*“If the Case Officer is minded to approve, Sevenoaks Town Council requested the following:*

- *That further permitted development rights be removed from all three properties*
- *That the Arboricultural Officer be satisfied first with the protection measures for the root systems of the TPO'd trees during construction.*
- *That a condition be placed whereby any TPO trees damaged during construction must be replaced.”*

### Officer response

Regarding these suggested conditions, it is not considered reasonable or necessary to restrict the permitted development (PD) rights of future occupiers in this instance. The dwellings are not considered of exceptional architectural merit to restrict PD to protect the design, nor are the plots so constrained that permitted development in future may be harmful to the area. However, Councillors can impose such a condition if they are minded to approve the scheme. Regarding the other two points raised, the Tree Officer has stated no objections, with condition 9 securing the tree protection measures proposed in the revised Arboricultural report.

Due to the amended version of the National Planning Policy Framework (NPPF) being published on the 19 December 2023, please see paragraph revisions below:

- Paragraph 27 of the committee report refers to paragraph 119 of the NPPF regarding promoting effective and efficient use of land, this should now read paragraph 123 of the revised NPPF.

Paragraph 130 of the revised NPPF now states “... *significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area*”. However as detailed in the officer’s report the proposed scheme will be in character with the local area. It should also be noted that the density of the scheme is only 10 dwellings per hectare (dph), which is significantly below the expected density levels for Sevenoaks urban area, where policy SP7 of the Core Strategy aims to achieve levels of 40 dph. Therefore the proposal will not result in a significant uplift in average densities, nor results development which is wholly out of character with the existing area.

**Recommendation remains unchanged**

### 4.3 23/02516/FUL – Singles Cross Farm, Singles Cross Lane, Knockholt Kent

#### TN14 7NG

##### Changes to the NPPF

The NPPF was revised on the 19 December 2023. However, the changes do not materially alter the way in which the application should be determined, other than the NPPF paragraph numbers changing.

##### Paragraph 100 is replaced to read:

The NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 155, certain forms of development are not considered inappropriate provided they preserve its openness and do not conflict with including land within it. This includes the re-use of a building.

##### Paragraph 101 is replaced to read:

Para 128 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.

##### Paragraph 105 is replaced to read:

As set out in paragraph 154 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the re-use of buildings provided that the buildings are of permanent and substantial construction. Paragraph 152 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

##### Paragraph 106 is replaced to read:

Paragraph 153 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

##### Paragraph 110 is replaced to read:

As mentioned above, the NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 155(d) certain forms of development are not inappropriate including “the re-use of buildings provided that the buildings are of permanent and substantial construction” and provided that the development preserves the openness of the Green Belt and would not conflict with the purposes of including land within it.

##### Paragraph 122 is replaced to read:

The application also proposes a detached garage which would be located more than 5 metres away from the converted barn. This would constitute a new building and would not meet any of the exceptions listed in paragraph 154 or 155 of the NPPF. The proposed garage would therefore be inappropriate development in the Green Belt by definition.

##### Paragraph 141 is replaced to read:

Paragraph 135 of the NPPF states that planning decisions should ensure a high standard of amenity for existing and future users.

Paragraph 142 is replaced to read:

Furthermore, paragraph 191 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 149 is replaced to read:

Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 162 is replaced to read:

Para 153 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.

Parish Council comments

The following additional comments have been received from the parish council:

*“Through a successful appeal, the development of a 'new build' house has been allowed on the Singles Cross Farm site. However, there remains outstanding the current application for the conversion of the Tyler Barn, which you now have under consideration. If this development was to be allowed by DMC, it would be in conflict with the grant of appeal allowing the 'new build' house, which depended on the demolition of the Tyler Barn to provide the necessary volume and footprint. Furthermore if this additional residential development were to be allowed on this site there would be potential increase in bulk, scale and form. In conclusion we believe the two applications are therefore mutually exclusive and either one or the other should only be permitted. In the light of the grant of appeal, we ask that you refuse the current application, which the Case Officer has recommended for approval at your meeting.”*

Appeal decision for 22/00690/FUL at Singles Cross Farm

The planning appeal has been allowed for 22/00690/FUL. The development would involve the demolition of the existing pole barn (to the north of the barn subject to the current application) and the erection of a residential dwelling. The barn subject to the current application would also be demolished as part of the proposal, along with the linked store building and stables (in part), and would be replaced with new stables, a store building and tractor sheds. The appeal scheme therefore clashes with the current application, in that it requires the demolition of the barn subject to current application in order to facilitate the development, albeit in part.

There is the potential that the applicant could implement the appeal scheme in part, i.e. only erect the new dwelling in place of the existing pole barn, and then convert the barn subject to the current application to a dwelling rather than demolish it. This would result in increase in built footprint and volume of the site, which was not previously considered and would harm the openness of the Green Belt. Notably, the Inspector took the view that the reduction in

building heights and the overall volume of built development on site, as a result of the demolition of the existing buildings would result in the development not having a greater impact on the openness of the Green Belt. The demolition of the existing buildings, including the barn subject to the current application, was therefore an important factor in allowing the appeal.

In light of the above, an additional condition is recommended which would prevent both the appeal scheme and the current proposal being carried out as whole, or in part. The current proposal, if approved, could only be carried out as an alternative to the appeal scheme and not in addition to it. In my view, this would sufficiently mitigate the potential harm to the Green Belt discussed above.

**Amend Recommendation. Inclusion of additional condition**

**23) The development hereby permitted shall be carried out as an alternative to the scheme allowed at appeal under reference APP/G2245/W/23/3316549 (SDC reference - 22/00690/FUL); but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.**

**In order to protect the openness of the Metropolitan Green Belt in accordance with the National Planning Policy Framework.**