

4.2 - 23/01890/FUL

Revised expiry date 29 September 2023

Proposal:

Storage container for domestic use and extension to existing permitted stable building for use as dog kennels.

Location:

Land At Robinsons Nursery, Goldsel Road, Swanley Kent

Ward(s):

Crockenhill & Well Hill

Item for decision

Councillor Waterton has called the application to committee on the grounds that the very special circumstances outweigh the harm to the Green Belt.

RECOMMENDATION: That planning permission be **REFUSED** for the following reasons:

The proposed development by way of inappropriateness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework must be afforded substantial weight. The stable extension is disproportionate to the size of the original building. The case of very special circumstances does not clearly outweigh the harm identified. The development is therefore contrary to policy GB8 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises a long and narrow parcel of land to the south-eastern side of Goldsel Road, at a lower level than the road. The site is located within the Green Belt and currently comprises a mobile home and a former stable building, a fenced off area for the keeping of horses, and a storage container which is subject to this application.

Description of proposal

- 2 This a retrospective application for the retention of a metal container for domestic storage and an extension to a former stable, for kennels.

Relevant planning history

- 3 16/032/46/FUL - Planning permission was granted on 18th January 2017 for the permanent siting of a mobile home on the site. The permission was personal to the applicants and a condition of the permission required the site only to be occupied by those who meet the definition of Gypsies and Travellers.

- 4 21/01756/FUL - Construction of a stable block and an associated path. Refused (appeal dismissed - APP/G2245/W/21/3287673).

Policies

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6 Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 7 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy

- 8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact
- T2 Vehicle Parking

- 9 Other

- Development in the Green Belt SPD
- Sevenoaks Landscape Character Assessment (2017)

Constraints

- 10 The following constraints apply:

Metropolitan Green Belt

Consultations

11 Crockenhill Parish Council:

Support – We are supportive of the application, on the basis that a clause is added to ensure permission for the extension to the stable building is limited to its intended use i.e. dog kennels - and therefore cannot be developed/converted in the future without prior sought permission.

12 KCC Highways: No objection.

13 KCC Public Rights of Way: No objections.

Representations

14 None received.

Chief Planning Officer's appraisal

15 The main planning considerations are:

- Principle of development in the Green Belt
- Impact on the character of the area
- Impact on neighbouring amenity
- Assessment of very special circumstances

Principle of development in the Green Belt

16 Planning legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

17 Policy LO1 of the Sevenoaks Core Strategy 2011 sets out the distribution of development in the district, stating that: "development will be focussed within the built confines of existing settlements". Policy LO1 goes on to state that "in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt...". Moreover, policy LO8 of the Core Strategy which covers matters of the countryside and rural economy outlines how the extent of the Green Belt must be maintained.

18 Paragraph 149 of the NPPF states that new buildings in the Green Belt are inappropriate development, unless they meet one of the exemptions. Para 149(c) allows for extensions to existing buildings, so long as not disproportionate to the size of the original building. The storage container does not fall into the categories of any of the exemptions and therefore is classed as inappropriate development in the green belt

19 Paragraph 147 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.

20 Paragraph 148 of the NPPF advises substantial weight should be 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 other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

21 Storage container

In this case, the residential site is a mobile home and would not be classed as a dwelling under the Town and Country Planning Act. In consequence, it does not have a residential curtilage or benefit from any permitted development rights. Regardless, given the distance the storage container is located from the dwelling it would not be regarded as within the curtilage anyway. In light of this, the storage container comprises development in the Green Belt. The container does not fall under any of the exemptions under paragraphs 149 & 150 of the NPPF and would constitute inappropriate development as a result.

22 Extension to stables

Paragraph 149(c) allows for the extension to an existing building provided it does not result in disproportionate additions over and above the size of the original building.

23 Policy GB8 of the Allocations and Development Management Plans states:

“Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:

- a) the existing building is lawful and permanent in nature; and
- b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion”.

24 In this case the building is permanent and lawful, however it will almost double in length, which would dwarf the scale of the original building. The development is therefore considered inappropriate in the Green Belt and contrary to policy GB8 of the ADMP and the NPPF.

25 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

26 The proposed storage container is located towards the corner of the site, it would by virtue of the scale have a limited impact on the openness of the Green Belt from a visual perspective. However, there would be a spatial impact upon the openness of the green belt, by way of the siting of a structure where nothing previously existed.

27 The extension to the stables has an even greater spatial impact than the storage container as the original building has been almost doubled in size, the increased bulk and massing therefore has an unquestionable impact on the spatial openness of the Green Belt. The visual harm is more limited due to the isolation of the site, however it is more visible from the public right of ways to the south. Consequently, there is also a visual loss of openness as viewed from the extended countryside to the south. There is some screening to the boundary, however this does not fully screen the building and thus the increased bulk and massing is visible and impactful.

- 28 There will be harm to the openness of the Green Belt and also as a result of inappropriateness, the harm must be afforded substantial weight. There is a case for very special circumstances which is reviewed later in the report.

Design and impact on the character of the area

- 29 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 30 The proposed development by virtue of the scale and the containment of the site would preserve the street scene. The development would be visible from the public right of ways and open countryside to the south, the storage container would in particular look out of place in the rural context. The extension to the stables whilst excessive in Green Belt terms would preserve the rural character of the area more so than the container.
- 31 Overall, the impact of the development on the character of the area is not great enough to warrant a secondary reason for refusal. The proposal would therefore comply with Policy EN1 of the ADMP and SP1 of the Core Strategy.

Neighbouring Amenity

- 32 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 33 The application site is largely isolated from neighbouring properties and would therefore preserve amenity in terms of noise, smells and privacy. Therefore, the proposal complies with Policy EN2 of the ADMP.

Assessment of Very Special Circumstances

- 34 The harm in this case has been identified as harm by way of inappropriate development in the Green Belt. Any harm to the Green Belt must be afforded substantial weight in accordance with paragraph 148 of the NPPF. The NPPF advises very special circumstances exist where the harm is clearly outweighed by other considerations.
- 35 Possible very special circumstances can be summarised as:
- Mobile home does not have loft space.
 - Keeping of dogs on site is a deterrent for burglaries.
- 36 Review of very special circumstances:
- The first reason for very special circumstances that has been forwarded relates to a lack of storage space within the mobile home for personal storage. Many mobile homes have the same situation, there is rarely justification for additional buildings within mobile home plots solely for additional storage. Particularly when located within the Green Belt. This is therefore afforded limited to moderate weight.
- 37 As for the keeping of dogs as a deterrent for burglaries this is not sufficient ground to justify the doubling of the size of the stable block. Moreover, no evidence of break ins has been provided and as such this matter is afforded very limited weight.

Community Infrastructure Levy (CIL)

- 38 This proposal is not CIL liable.

Conclusions

- 39 The proposed development by way of inappropriateness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework PPF must be afforded substantial weight. The stable extension is disproportionate to the size of the original building. The case of very special circumstances does not clearly outweigh the harm identified. The development is therefore contrary to policy GB8 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.
- 40 It is therefore recommended that this application is refused

Background papers

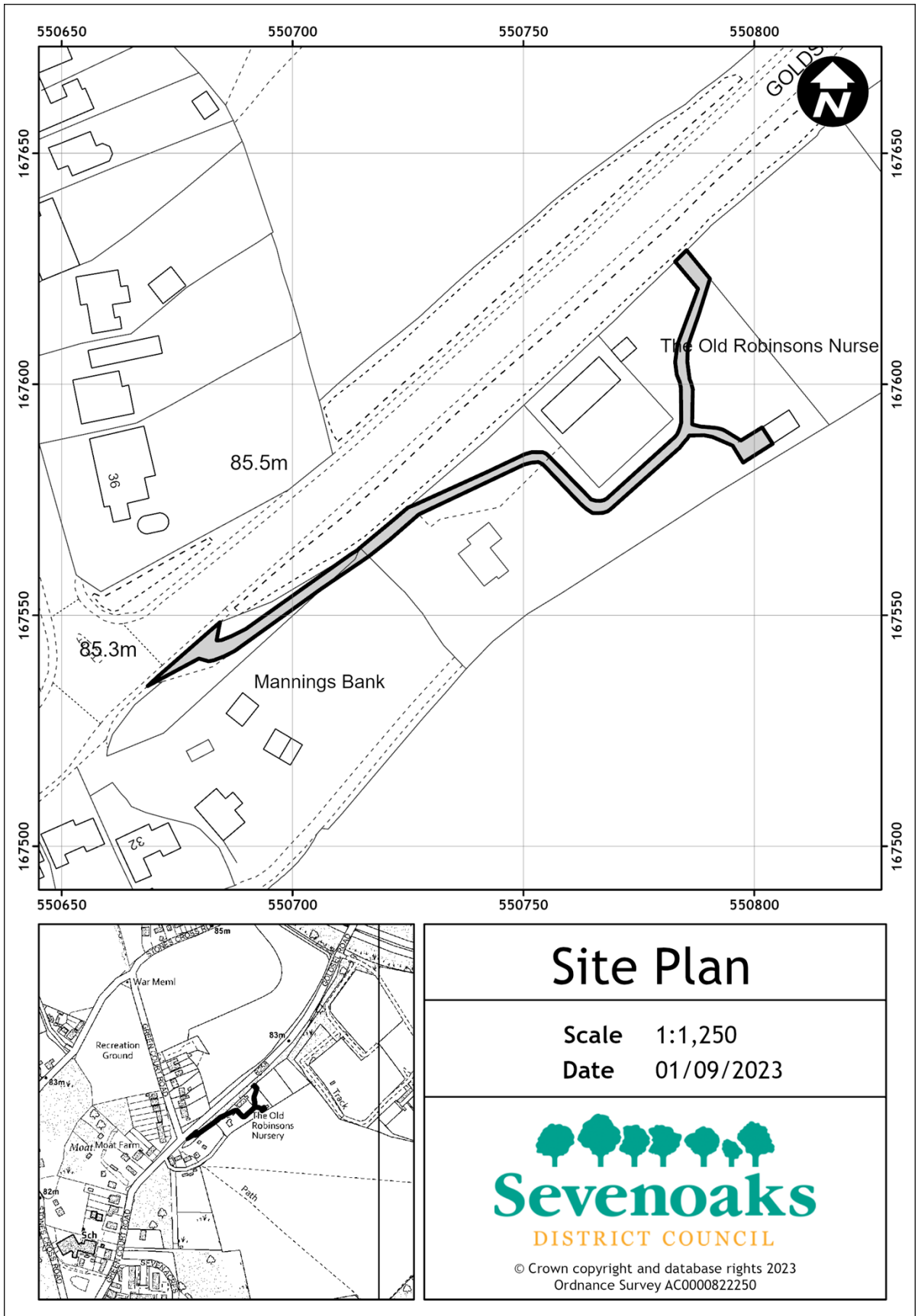
- 41 Site and block plan

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[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

