

4.2 - 23/01853/FUL

Date expired 20 September 2023

Proposal:

Change of use of clubhouse from D2 to E and events use at ground and lower ground floor, with first floor and roof level for indoor and outdoor sport and events use (sui generis).
Erection of a sound control lobby on the southeastern elevation.

Location:

Kingdom, Grove Road, Penshurst Kent TN11 8DU

Ward(s):

Penshurst, Fordcombe & Chiddingstone

Item for decision

The application has been referred to Development Management Committee by Councillor Streatfeild due concerns relating to impact of such use upon the existing residential amenity.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 3034/05 Rev.01, A099 Rev.00, A0201 Rev.00

For the avoidance of doubt and in the interests of proper planning.

2) Within three months of the date of this permission, a noise management plan that incorporates noise mitigation measures as detailed in report 'Kingdom Penshurst - noise assessment and proposed mitigation' dated 16 June 2023, reference Ref Kingdom 230623.1CB and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Further details of the noise management plan shall include details of the following:

- Designation of an on-site management coordinator - to manage and review the plan;
- A process for recording and managing complaints relating to noise and disturbance;
- Installation of sound limiting system and or sound ceiling and other noise management mitigation measures with a schedule of timings of installation and maintenance;
- The management of visitors leaving the premises and clean-up operation.

Within one month or sooner of completion of the all mitigation measures as approved, a post-completion noise survey must be been undertaken with the venue operating with an agreed set up and at an agreed time (to be representative of the proposed use) by a suitably qualified acoustic consultant, and a verification report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set out in the Report. If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Planning Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter and any changes will require the approval of the Local Planning Authority in writing.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

3) Within three months of the date of this permission a car parking management plan that includes the demarcation of the existing on-site parking area(s) and timing of works shall, be submitted to and approved by in writing by the local planning authority. The on-site car parking area(s) shall be maintained and retained for this purpose throughout unless otherwise approved by the Local Planning Authority.

In the interest of highway safety as supported by Policies EN1, T2 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order replacing or superseding this Order, the use of the building hereby permitted shall be limited to Class E and events use at ground and lower ground floor, with first floor and roof level for indoor and outdoor sport and events uses (Sui Generis) only.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

5) The number of persons attending any particular event(s) within the building shall be limited to a maximum of 150.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

6) The building shall be limited to only 52 late night events that function after 2100 hours on any day within a calendar year. The venue shall not exceed 150 people at any such late night event.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

7) No event(s) which commence on Friday or Saturday shall take place outside the hours of 09:30 that day and 23:30, and no event which commences on any day between Sunday and Thursday will take place outside the hours of 09:00 that day and 23:00 the same day. All amplified and non-amplified music must cease by 23:00 hours on days between Sunday and Thursdays and 23:30 hours on Fridays and Saturdays.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks

Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

8) The openings in the façade of the building shall remain closed at all times during an event, when not immediately required for access/egress.

To mitigate against noise breakout from the building fabric and in order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

9) No further 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, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed and shall only be in use in connection with the hours of use of the building when in occupation.

In order to safeguard the amenities of the visual amenity in accordance with Policies EN1, EN5, EN6 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Core Strategy.

10) No live or amplified music, shall take place on the roof and other terraces of the building subject to this permission.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

11) The external roof and ground floor terraces of the building shall not be used by any person after 21:00 hours on any day unless it is for maintenance or emergency purposes only.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

12) No fireworks shall be used on the site during events subject to this permission.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

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 site relates to a former clubhouse building located with the parish of Penshurst, within open countryside.
- 2 Access to the site is from a shared vehicular access from Grove Road, which also serves an off-road cycle track and other buildings. The site has modest sized, unbound surfaced off street parking provision.
- 3 The site is within the designated Metropolitan Green Belt and High Weald National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB))

Description of proposal

Background

- 4 In 1992, temporary planning permission was given to form an off road cycling track under planning reference 92/01444/FUL and was in ownership of one person.
- 5 Then in 1995, a further planning permission was granted for its continued use and the erection of a kiosk.
- 6 Subsequent to that in 2004, planning permission (ref: 04/02527) was granted for the erection of a clubhouse, to which condition 9 of that permission imposed a restrictive use planning condition that stated:

“The premises shall be used for the purposes of a clubhouse (Class D2) in association with the off road cycle track and the building shall be used for no other purposes (including any other purpose in Class D2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.”
- 7 From the Councils Building Control records, it was noted that works had commenced building the clubhouse on 26 February 2007.
- 8 During this time from photographic evidence, from off-roading cycle events held on-site in 2011, even though glazing had not installed within the building, the building was in use.
- 9 In 2015 the site as a whole was split and sold off into three parts. Two parts of the site were sold off to new landowners and the other was retained by the original landowner.
- 10 An email from the new landowner of the clubhouse stated to the Council that they were aiming to get the entire building watertight by November 2015.
- 11 In March 2017, it was noted by the Council that the clubhouse building had not been built in accordance with the approved plans and internal works were being undertaken to bring the clubhouse to a standard that complies with Building Regulations.
- 12 Taking into account of the above, it is being asserted by the applicant that as the clubhouse had not been built in accordance with the approved plans. It then followed that condition 9 of the planning permission 04/02527/FUL does not apply and as the

building has been in existence of more than 4 years, it is immune from planning enforcement proceedings.

- 13 This application seeks to regularise the use of the building and proposes an extension to it.

Proposal

- 14 The proposed extension of the building will comprise of a single storey, flat roofed extension to the southeast elevation of the building. It would be formed from a timber framed structure with glass panelling and a timber cladded plinth. The justification for the extension is to create a new lobby area which would assist in reducing the level of noise breakout from the building's fabric, as amplified music will be played on the lower ground floor of the building. The extension will create approximately 34.2m² of floor area.
- 15 The other element of this proposal is to regularise the use of the building. As noted from the description of the development, this application seeks to allow the ground and lower floor of the building to operate under use class E for indoor sports with an ancillary element of commercial activities and the first and roof terrace to be used for indoor and outdoor sports, together with leisure and events uses – Sui generis (a use class of its own).

Relevant planning history

- 16 92/01444 - Use for recreational purposes as a cycling track, together with new vehicular access, creation of car park and kiosk and installation of a cesspool – Granted
- 17 95/00223 - Continued use for recreational purposes as a cycle track, retention of vehicular access, car park and erection of kiosk (Renewal of planning permission SE/92/1444) - Granted
- 18 96/02256 -Details of landscaping, boundary treatment, parking, accessing, levels, drainage, kiosk, and retaining structures pursuant to conditions 1,3,6,9,10,11,12 and 13 of SE/95/0223 - Granted
- 19 97/00629 - Delete conds 4 & 5 of SE/95/0223 regarding work within the spread & adj to trees; vary conds 7 & 14 of SE/95/0223 to permit access by emergency vehicles, the disabled, & additional use for archery & wheelchair users - GRANTED
- 20 03/00104 -Erection of clubhouse for Penshurst Off Road Cycling -Refused
- 21 04/02527 - Erection of a Club House - Granted
- 22 07/00423 - Recreation Track – Granted
- 23 20/00344/LDCPR - Confirmation that the Clubhouse at Kingdom, Grove Road and it can be used for purposes within the use class D2 assembly and leisure building is lawful – REFUSED – Planning Appeal Lodged.
- 24 20/001523 - Creation of a decking area used ancillary to the lawful D2 (leisure/recreation) use of the land – Appeal ALLOWED

- 25 21/03418 - Change of use of clubhouse from assembly and leisure to use of E class; ground floor and lower ground floor and roof terrace as indoor and outdoor sport (Sui Generis) - NON-DETERMINATION APPEAL LODGED

Policies

- 26 National Planning Policy Framework (NPPF)

- 27 Core Strategy (CS)

- SP1 - Design of New Development and Conservation
- LO8 - The Countryside and Rural Economy
- SP8 - Economic Development and Land for Business
- SP11 - Biodiversity

- 28 Allocations and Development Management Plan (ADMP)

- EN1 - Design Principles
- EN2 - Amenity Protection
- EN5 - Landscape
- EN6 - Outdoor Lighting
- EN7 - Noise Pollution
- EMP5 - Non-allocated Employment Sites
- GB7 - Re-use of a building with the Green Belt
- GB8 - Limited extension to a non-residential building within the Green Belt
- T1 - Mitigating Travel Impact
- T2 - Vehicle Parking
- LT1 - Tourist Accommodation and Visitor Attractions

- 29 Other:

- National Planning Practice Guidance
- High Weald Area of Outstanding Beauty Management Plan 2019-2024 (National Landscape) (Objectives OQ3, OQ4)
- Development in the Green Belt SPD
- Kent Vehicle Parking Standards (SPG4)
- CIL Regulations

Constraints

- 30 The following constraints apply:

- Metropolitan Green Belt
- High Weald National Landscape (formerly AONB)

Consultations

- 31 Penshurst Parish Council – Objects for the following reason:

“The addition of a conservatory on part of one wall will do little or nothing to address the issues raised in our objection to the previous application (21/03418).

- 32 We reiterate that the Officer's report for 21/00344/LDCEX states at point 43 "The sui generis use of the building, has brought about cumulative impacts upon nearby residents in terms of additional noise, traffic generation and highway safety issues from overspill parking onto Grove Road" and at point 44 "Overall, it is considered that the intensified use of the clubhouse building has an detrimental impact upon the living conditions of the existing occupants, creating an environment which would be fundamentally different from that which existed prior to May 2015, through increased levels of noise and disturbance."
- 33 We still consider that granting a sui generis use will increase the existing detrimental impact to nearby residents in terms of noise, traffic, and overspill parking. We are also concerned at the effects of noise, light pollution and traffic on the wildlife within this area of the AONB. We do not believe these issues could be overcome by the use of Planning Conditions.
- 34 We must emphasise to the District Council that, despite what the current Planning, Design and Access Statement may seek to assert, the current use has been deemed as NOT lawful under 21/00344/LDCEX. As far as we are concerned, this remains the position until such time as the Planning Inspectorate may decide otherwise.
- 35 Whilst we understand that the District Council may be reluctant to take planning enforcement action while there are outstanding appeals or planning applications, there is a very real possibility that the use of the site will simply become lawful by existing for 10 years without enforcement action (the current use has been ongoing for almost 8 years 4 months since May 2015). After all, what is to stop the applicant submitting further applications simply to "run down the clock", in the knowledge that no enforcement action will be taken whilst applications or appeals are undecided?"

Other Consultees

- 36 SDC Environmental Health - No objection subject to condition -
- "Chris Beale of Hydrock SPL track has a sensible approach to the determination of acceptable noise limiting for the venue. One would hope that within a sensible time frame sufficient evaluation could be undertaken to establish the suitability of the existing sound system within the venue. Alternative sound systems such as a sound ceiling could also be considered by the operator as this could significantly limit potential noise breakout.
- 37 The addition of a noise lobby will address an existing weak point in the building envelope as would having no music on the upper terrace and prohibiting the use of the area from 22:00 hrs. A comprehensive noise management plan that includes patrons outside of the building, including prohibiting drinks being taken out of the building from a specified time etc. Ultimately the aim is allow ongoing operations without significant adverse impact on neighbouring dwellings.
- 38 Therefore, subject to suitable conditions, I have no objection to the granting of planning permission in respect of this application."
- 39 KCC Highways - No comment
- 40 Environment Agency - No comment
- 41 Natural England - No objection raised

42 Forestry Commission – No comment

Representations

43 80 representations received in support of the application

44 1 petition/survey in support of the application with 1907 responses–

(Some of the responses received identify Kingdom to be an asset to the local community, a place which allows them to socialise, a safe place for their family and children to go and enjoy spending time outside and in nature, and having access to somewhere which is immensely beneficial to their health and well-being, both physical and mental, as well as providing benefits to the local economy, and to other surrounding businesses within the local community (my emphasis))

45 13 representations received objecting on the following issues:

- Insufficient parking
- Impact upon residential amenity
- Light pollution
- Increased traffic generation
- Highway safety concerns
- Neither conserves or enhances AONB
- Noise pollution
- Ecological impacts
- Building proposed is unsuitable for proposed use
- Never has been a D2 use
- Continuing complaints relating to use

Chief Planning Officer's appraisal

46 The main planning considerations are:

- Impact upon Green Belt;
- Impact upon the existing neighbouring amenity;
- Impact upon the High Weald National Landscape (AONB);
- Highways.

Impact upon the Green Belt

47 Core Strategy Policy LO8 (The Countryside and the Rural Economy) of the Core Strategy states that the extent of the Green Belt will be maintained.

48 Paragraph 147 of the NPPF 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 148 of the NPPF advises that Local Planning Authorities should ensure 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 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.

- 49 Paragraph 149 of the NPPF states that a “local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’. However, a list of exceptions are provided, including the:
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- 50 Paragraph 150 (d) of the NPPF also allows the re-use of a building the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 51 Further to the above, Policy GB8 of the ADMP allows for limited extensions to non-residential buildings within the Green Belt providing the building is question is lawful and permanent and that any proposed extension would be proportionate and subservient to the original building and would not harm the openness of the Green Belt.
- 52 As mentioned above, the building is lawful by the passage time, as it was never built in accordance the originally approved 2004 scheme.
- 53 In terms of proposed development, a single storey extension to the ground floor of the southeast facing elevation of the building. The flat roofed, single storey extension would provide an additional **34.2m²** of floor area to be used as a lobby area for the building. The existing floor space of the building is approximately **748.4m²** (excluding roof terrace). The introduction of the single story extension would increase the size of the building by approximately **4.6%**.
- 54 Due to the design of the extension and when comparing it to its host, it is considered that the extension would constitute as a proportionate and subservient addition that has a limited impact upon the openness of the Green Belt.
- 55 In terms of the re-use of the building, the structure of the building is sound, as it is a modern building and has been completed within the last ten years. The re-use of the building would not have a materially greater impact upon the openness of the Green Belt and character of the area, in compliance with policy GB7 of the ADMP.
- 56 The development is appropriate development within the Green Belt, in compliance with Policies GB7 and GB8 of the ADMP, and paragraphs 149, 150 of the NPPF.

Impact upon the existing neighbouring amenity

- 57 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by complying with a number of criteria. These include preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution.
- 58 At paragraph 185 of the NPPF, it states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they 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.
- 59 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of nearby properties. Equally, policy EN7 seeks to

protect the existing amenities of surrounding properties, biodiversity and the AONB from noise generating development.

- 60 It is noted that there are objections from third parties to whom live near to the site and asserted that operation of 'Kingdom' has negativity impacted upon their amenities. The closest residential property is a partially subterranean building sited approximately 127m to the southeast of 'Kingdom'. This property is under construction and nearing completion.
- 61 The next closest property is approximately 133m to the west, known as Blowers Hill which is sited upon lower ground than Kingdom, but is adjacent to near to the main vehicular access to the site on Grove Road.
- 62 It is clear that the use of the building for events such as weddings could generate excess noise and disturbance. This could be from live or recorded music, guest's voices or vehicles entering and exiting the site. A noise assessment has been submitted with the application and concludes the effects of noise, together with proposed mitigation measures would result in a low impact effect upon local receptors. However if there was a 'do nothing' approach, then the nearby two properties, as mentioned above would be adversely impacted.
- 63 The consultation response from the Council's Environmental Health team concurred with the findings of the assessment and determined that any resulting effects of additional noise from the proposed change of use could be mitigated adequately by conditions. Based on the evidence it is considered that that there is no reason to disagree with either the findings of the assessment or the Environmental Health Teams response.
- 64 Conditions to control noise emanating from events/functions such as weddings which fall outside of standard working hours are not uncommon and the applicant and as suggested by the noise assessment, a Noise Mitigation Management Plan is to be employed. This together with alterations required to the building fabric itself (i.e. sealing of gaps/windows/doors) would significantly improve the sound absorption and limit noise emission from the building. Further details are required in this regard to be secured by condition, as well as other restrictions on the use of fireworks or entertainment outside of the building. The controls also allow for the ongoing and continued use of the site for a wide range of indoor and outdoor sport and recreation uses that support the rural enterprise.
- 65 By imposing a restriction in the number of late night events and the number of people attending, will limit the number of vehicle movements to and from the site. It has to be acknowledged that there is an existing use of the building and complaints have been received, however by imposing restrictions upon its use and other mitigation measures would lead to a betterment to the existing residential amenity, despite the objections raised by third parties and Parish Council.
- 66 Based on the reason above, the proposal would not harm the living conditions of nearby residents with regards to noise in accordance with Policies EN2, EN7, of the ADMP.

Impact upon the High Weald National Landscape

- 67 The site is within the National Landscape (AONB) and the area is of high landscape quality. The primary purpose of the designation is to conserve and enhance natural beauty. The NPPF states that great weight should be given to conserving landscape

and scenic beauty within National Landscapes (AONB). This is reiterated in Policy EN5 of the ADMP and LO8 of the Core Strategy. Further advice on conserving the landscape is contained in the High Weald Area of Outstanding Natural Beauty Management Plan 2019- 2024.

- 68 The existing building would be extended in size, being single storey in height and adds approximately 34.3m² in floor area. The extension itself is discreetly sited to the southeast facing elevation of the building. The area is well landscaped, and the development would ensure there is limited visual harm to the character and appearance of the area and the National Landscape.
- 69 At present the building concerned in a mixed use and events are being held within the building and upon the wider land i.e., outdoor recreation, whereas the former use of the site was for off-road cycling. There is still some element of this use remains, as a part of the site retains a cycle track. The use of the site cannot readily be seen from outside of the site. It is acknowledged that the existing outdoor recreational use of the site and building may have an impact upon the tranquillity of the area at certain times. This reduction of tranquillity is therefore limited in scope and time which can be assisted by the use of appropriate restrictions by planning conditions to ensure the amenities of the area are not compromised to a detrimental degree. This loss of tranquillity has to be balanced against the benefits of the proposed use, which supports the secondary objectives of the Area of Outstanding Natural Beauty Management Plan for providing recreation, promotion of well-being, diversifying and supporting the rural economy.
- 70 In terms of light pollution and possible impact upon the dark skies of this designated area, it must be remembered that the building is existing, and light emitted from it is an existing situation. Notwithstanding this, it is noted that there is some external festoon lighting to the lower ground floor and upon the roof terrace. Light spillage is inevitable but would be localised and would only be used when the building is in use. As such to limit, any further impact from lighting upon the character of the area and ecological impacts, a condition can be secured, to secure further details of any further introduction of external lighting to the building.
- 71 In light of the above, the impacts arising from the use of the building upon the intrinsic qualities National Landscape would be limited however, there are identified benefits that outweigh the limited harm and by securing further restrictions to the use of the building would ensure that the National Landscape is conserved and there would be a betterment the area, in compliance with the relevant policies and the objectives of the AONB Management Plan.

Highways

- 72 Paragraph 111 of the NPPF states that; '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'.
- 73 Policy T1 of the ADMP states that new development will be required to mitigate any adverse impacts that could result from the proposal. Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision for non-residential developments should be made in accordance with advice by Kent County Council as the Highway Authority.

- 74 It has been noted that there have been two incidents of vehicle accidents arising in this part of Grove Road have been recorded within the past five years and the severity has been recorded as 'slight' by crash data analysis.
- 75 The existing access to the site from Grove Road would remain unchanged.
- 76 On-site parking provision is existing within the site, however parking spaces are not demarcated however approximately there are 60 spaces that that can be accommodated and a further overspill parking can be found to the west of the site, adjacent to the access road. By ensuring that the existing parking is demarcated, it would allow for more efficient parking within specific areas within the site to be achieved, minimising the effect of overspill.
- 77 Kent Parking Standards (SPG4) advocates a parking standard for a Sui Generis use of 1 space per 22m². Taking this into account, the existing provision of on-site parking exceeds this maximum standard, when considering the size of the building. Furthermore, by the restricting of the number of guests at events would also limit the number of spaces that is required for such a uses. This together with the submission of a car parking management plan would create a betterment upon the existing situation and would allow for additional measures when the use of the building and that of the wider area could, at times, be over-subscribed. This would alleviate the concerns raised by third party representations.
- 78 Taking the above into consideration and that KCC Highways have made no comment, as there are no identified likely impacts upon the public highway and the impact of the development would not be 'severe', this proposal would not be in conflict with the above policy nor the NPPF.

Other issues

- 79 Consideration has been given to Parish Council comments and third-party representations and where appropriate have been discussed above. Notwithstanding this, it is acknowledged that some harm would be generated by the proposed use of the building, however with the necessary restrictions and mitigation measures secured by planning conditions, there would be an overall betterment to the use of the site and how it is operated without causing detrimental impacts upon the amenities of surrounding residential properties.
- 80 Paragraph 84 of the NPPF states that "Planning policies and decisions should enable
- a) the sustainable growth and expansion of all types of business in rural areas;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space.
- 81 Further to this, paragraph 85 of the NPPF advises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

- 82 Penshurst is defined as hamlet, as cited by Settlement Hierarchy, July 2022. Penshurst has a limited range of services and facilities. Tunbridge Wells, Tonbridge and Edenbridge are the closest towns being approx. 5 miles from the site and Sevenoaks being approximately 7 miles. The likely scenario for visitors to the venue would involve those travelling from greater distances seeking to stay overnight in those towns as previously mentioned, during which time they would make use of bed and breakfasts, taxis and restaurants alongside the financial benefits to this rural business. As such, while the site is not well linked with public transport, it is close to a towns which does have good transport links and would make a significant contribution to the rural economy. On balance, despite the location of this site would advocate the reliance of car use, it would bring wider perceived public benefits in accordance with paragraphs 84 and 85 of the NPPF and the objectives OQ3, OQ4 of the High Weald AONB Management Plan which seeks promote rural economy, health/wellbeing and recreation within the National Landscape.
- 83 It is considered that by restricting the use of the site in terms of hours of use, limiting the number of people attending 'late night' events, controlling the use of external lighting, this would bring ecological benefits to the site, as opposed to the 'baseline' unrestricted use of the building.
- 84 It is acknowledged that there are two outstanding planning appeals on this site relating to the building in question and its use. However, this application is a revised scheme with mitigation measure proposed and therefore the application must be judged on its own merits without delay, in accordance with the NPPF and NPPG.

Community Infrastructure Levy (CIL)

- 85 The development is not CIL liable.

Conclusion

- 86 For the reasons above, subject to the imposition of the necessary planning conditions, would assist in mitigating against any harm caused by noise, traffic and use of the building concerned. The proposed use and continued use of the wider site, would not harm the landscape qualities of High Weald National Landscape and the limited harm that arises from the use of the building, would be outweighed by other benefits as outlined above.
- 87 The development would accord to Development Plan when taken as whole. There are no other material considerations which indicate the recommendation should be taken otherwise.
- 88 It is therefore recommended that this application is approved.

Background papers

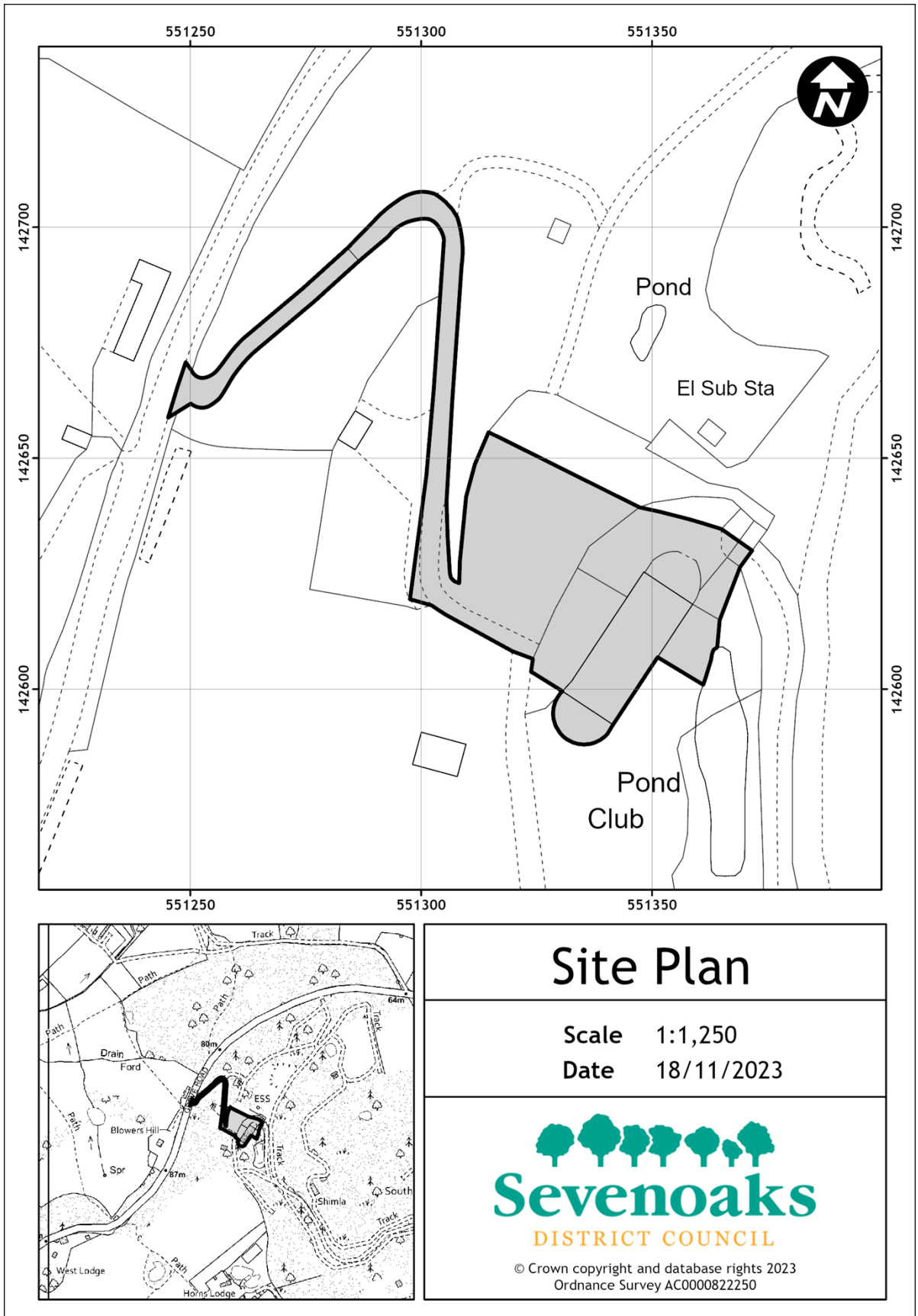
Site and block plan

Contact Officer(s) Sean Mitchell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250

Date 18/11/2023



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Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN

