

4.2 - 23/02918/FUL

Revised expiry date 26 January 2024

Proposal: Conversion and extension of Oast house to provide a family dwelling.

Location: The Oast House, Kettlehill Farm, St Julians Road Underriver Kent TN15 0RX

Ward(s): Seal & Weald

Item for decision

The application has been called to Development Control Committee by Councillor Hogarth to consider the grounds of heritage and the changes to the Oast house harming the non-designated heritage asset (National Planning Policy Framework paragraph 209) and the less than substantial harm to the listed building (Kettlehill Farm) through change within its setting (National Planning Policy Framework paragraph 208).

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

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2023-02-OAS-07040 P1, 07050 P1, 07090 P1, 07102 P1, 07103 P, 07200 P1, 07220 P2, 07221 P1, 07310 P1, 07311 P1, 07312 P1, 07313 P1, 07314 P1, 07100 P2, 07101 P3, 07201 P2, 07210 P2 and 07230 P2.

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

3) Prior to the commencement of the development, hereby approved, details of samples of external wall and roof materials and window specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to works above damp proof course of the extension, details of hard and soft landscaping, and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the commencement of the development, hereby approved, a detailed bat mitigation strategy, based on the Bat Roost Assessment prepared by Ecology Partnership and dated July 2023, shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall be thereafter implemented as approved unless varied by a European Protected Species licence subsequently issued by Natural England.

In the interests of protecting bats on the site, in accordance with policy SP11 of the Sevenoaks Core Strategy.

6) No 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.

To protect the character of the Green Belt and the character of the National Landscape from harmful light pollution, as supported by policy EN5 of the Sevenoaks Allocations and Development Management Plan and LO8 of the Sevenoaks Core Strategy.

7) In the event ground contamination is found on the site in the duration of the works, the applicant shall submit details of this to the Local Planning Authority, along with suggested remediation works that may be required. These details shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed works and remediation strategy.

To safeguard the site and future occupants in the event contamination is found.

8) Prior to development reaching the damp proof course of the extension, details of the location and type of electrical charging point shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to the first occupation of the dwelling, hereby approved, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be installed and thereafter maintained.

In the interests of securing biodiversity enhancements, in accordance with policy SP11 of the Sevenoaks Core Strategy.

10) The development, hereby approved, shall be carried out in accordance with the ecological mitigation measures outlined in the ecology report prepared by Greenspace Ecological Solutions and dated October 2022.

In the interests of protecting biodiversity on the site, in accordance with policy SP11 of the Core Strategy.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or

amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, C and E of that Order.

To protect the character of the landscape and openness of the Green Belt as supported by Policy LO8 of the Sevenoaks Core Strategy and Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

12) Prior to the extension reaching above damp proof course, details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwelling and shall be thereafter maintained.

To ensure the development provides suitable refuse storage, in accordance with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self-build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) The applicant is advised that there are access rights over the land regarding neighbouring properties. This is a civil matter and does not fall within the remits of the planning assessment.

4) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

5) It is drawn to your attention that the legal line of the Public Right of Way SR157, which is in fact overgrown, runs across and runs through the southern part of the application site. The options available is to either open up the legal line of SR157 and include this in their landscaping, or apply for a diversion to move the legal line to the current walked line, under the Town and Country Planning Act.

No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

In cases of doubt you are advised to contact this Kent County Council Public Rights of Way and Access Service before commencing any works that may affect the Public Right of Way - Telephone: 03000 412328.

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 derelict Oast house located within St Julians Road. The site is located within the parish of Seal and there are both agricultural units and residential dwellings surrounding the application site.

Description of proposal

- 2 Permission is sought for the conversion and extension of the existing Oast house to provide a dwelling.

Relevant planning history

- 3 89/00360/HIST Conversion of redundant agricultural Oast House into dwelling - REFUSE
- 4 91/00702/HIST Conversion and change of use of redundant oast to dwelling - REFUSE
- 5 00/02113/FUL Reinstall original gable end to replace hip end to Oast House - GRANT
- 6 22/03031/FUL Conversion and extension of Oast House to provide a family dwelling - REFUSE

Policies

- 7 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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

8 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP11 Biodiversity

9 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- GB7 Re-use of a building in the Green Belt
- T2 Vehicle Parking
- T3 EV Charging Points

10 Other

- Development in the Green Belt SPD
- Kent Downs National Landscape Management Plan
- Underriver Village Design Statement

Constraints

11 The following constraints apply:

- Metropolitan Green Belt
- Kent Downs National Landscape (AONB)
- Proximity to Grade II Listed Building – Kettlehill Farm
- Historic Farmstead (dispersed driftway plan farmstead) – Historic Environment Record (HER)
- Public Right of Way – SR157

Consultations responses

- 12 Seal Parish Council – Object on the grounds of AONB, public right of way and visibility. They also comment on ensuring conversions conserve the original character of the building and the various access arrangements on and adjacent to the site. They also request conditions, including materials, soft landscaping and light pollution.
- 13 Conservation – Supports the principle of conversion, raised concerns with the fenestration and the impact on both the Oast House as a non-designated heritage asset and the setting of the adjacent listed building. Following amendments to the application, concerns are still raised regarding the two roof lights and the two windows on the roundel.

- 14 Environmental Health – No objections, recommends conditions regarding noise (if relevant), contamination, Construction Environmental Management Plan and external lighting, also comments on foul drainage arrangements.
- 15 KCC Ecology – Sufficient ecological information has been provided, recommends conditions regarding updated bat mitigation strategy, external lighting design and ecological enhancements.
- 16 KCC Highways – No comments.
- 17 Southern Water – No objections, comments that the applicant should contact the Environment Agency regarding use of septic tank.
- 18 KCC Public Rights of Way – No objection, comments on Public Right of Way SR157 which is overgrown and should either be opened up or diverted to where the walked path is.

Representations

- 19 10 public comments were initially received, objecting and raising the following points:
- Impacts on bridleway, footpath and right of access
 - Impact of gates on access rights
 - Concerns regarding impact of car port
 - Scheme is contrary to Underriver Village Design Statement
 - Impact on AONB and rural setting
 - Impact and harm to Green Belt
 - Concerns regarding windows and fenestration in terms of appearance and light pollution
 - Concerns regarding landscaping and requesting protection of hedgerow
 - Concerns regarding access rights
 - Concerns regarding water metering arrangements
 - Waste storage and collection
 - Lack of consultation
 - Design of scheme and works proposed as not in keeping
 - Loss of privacy and impact on neighbours
 - Lack of details regarding sewerage and waste water disposal
 - Increased traffic generation
 - Scheme has not addressed previous concerns
 - Condition to restrict permitted development rights
 - Comments regarding site history, previous applications and previous court rulings
 - Impact of proposal on heritage and listed building
 - The Oast house as a non-designated heritage asset
 - Impact on wildlife including kestrels and bats
- 20 Upon re-consultation an additional 8 comments were received, objecting and raising the following points:
- Noting reductions in windows but concerns regarding light pollution remain
 - Protection of listed building adjacent to the site
 - Concerns remain regarding rear extension
 - Impact of proposal on wildlife including bats
 - Harm to AONB and Green Belt – urbanisation and encroachment

- Comments regarding previous site history, previous applications and previous court rulings
- Concerns of sewerage disposal
- Concerns regarding the public right of way and access arrangements over the site being impeded
- Inadequate vehicle parking
- Contrary to Village Design Statement
- Concerns with materials proposed
- External lighting is not addressed
- Concerns regarding future development of the site

Chief Planning Officer's appraisal

21 The main planning considerations are:

- Impact to the Green Belt
- Impact on Heritage
- Design and Impact on the National Landscape
- Impact to neighbouring amenity
- Impact to highways and parking
- Ecology
- Other

Impact on the Green Belt

22 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 extension or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.

23 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 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.

24 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 principle to the Green Belt from inappropriate development.

25 Policy GB7 of the ADMP allows the re-use of an existing building within the Green Belt, as long as it meets the following criteria:

- a) The proposed new use, along with any associated use of land surrounding the building will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area
- b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are

capable of conversion without major or complete reconstruction that would detract from their original character.

- 26 Criteria a) of the policy refers to the building not being materially greater than the existing. The building would be greater in scale than what is currently on site as the development would include an addition at the rear of the building. This would result in a single storey extension with a proposed flat green roof at the rear side of the building. The extension has been reduced since the previous refusal decision and is considered modest in size, scale and height, reading as clearly subservient to the main Oast building. The modest extension is considered to respect the existing footprint of the building and would not result in an increase of over 50% of the original floor area of the building. As such, the proposal would not be considered to harm the openness of the Green Belt through visual or volumetric impact.
- 27 Regarding criteria (b), it is clear that the building is capable of conversion, as supported by the structural report submitted with the scheme. The structural survey confirms the building is viable and suitable for residential conversion without the need for major reconstruction, meaning the character of the building will be retained through the conversion.
- 28 Overall, the development would not result in a wider encroachment of development into the openness of the Green Belt and the character of the existing building and the openness of the Green Belt would be maintained. There is a small area of hardstanding at the rear of the property, however this is to be located within an area between the existing built form and the surrounding vegetation. Hard standing is a common feature found on residential plots and the location in which it is positioned respects the openness of the Green Belt and the rural character of the area and will not have a harmfully domesticating impact.
- 29 Policy GB7 also refers to whether the building has been on site for less than 10 years. When reviewing the aerial photography for the site along with the planning history, the Oast House has been on site for over 10 years.
- 30 When reviewing the development against the NPPF, paragraph 154(c) allows the alteration to a building as long as it does not result in disproportionate additions. Paragraph 155 also allows the “re-use of buildings provided that the buildings are of permanent and substantial construction”. The conversion of the existing Oast House to accommodate a dwelling, along with a modest extension to the rear, would not result in a disproportionate addition within the Green Belt and would not be considered inappropriate development in the Green Belt. In order to protect the openness of the Green Belt, it would be necessary to remove permitted development rights, this can be done via condition.
- 31 Overall, the proposal represents an appropriate form of development in the Green Belt and would not harm the openness of the Green Belt or be considered to have a greater impact on the openness of the Green Belt. The proposal therefore complies with local and national policies, including policy LO8 of the Core Strategy, policy GB7 of the ADMP and paragraphs 154(c) and 155(d) of the NPPF.

Design and impact on the National Landscape (AONB)

- 32 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.

- 33 Policy EN5 of the ADMP states that the Kent Downs National Landscape and its setting will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the National Landscape will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 34 The Kent Downs National Landscape Management Plan refers directly to proposed development within the landscape. The plan emphasises the importance of:
- SP2: The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.
- SP9: The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.
- 35 Moreover, paragraph R5 of the Underriver Village Design Statement states that: “Residential conversions of redundant agricultural buildings of historic interest should be designed to conserve as much as practicable of the original character. Appropriate doors and windows should be used.”
- 36 Under the previous scheme concerns were raised regarding the bulk and mass of the extension proposed, and the new fenestration was considered disproportionate and unsympathetic to the building. The proposal was not found to conserve and enhance the setting and beauty of the National Landscape and was considered harmful in design to the landscape and character of the area.
- 37 The application has been amended since the last submission, with the extension being reduced in bulk, scale and height, the extent of hard surfacing and formal landscaping being reduced and the extent of fenestration also being significantly reduced. Overall, the works now appear more sympathetic and in keeping with the character of the building and the rural character of the area. The extent of glazing has been significantly reduced and the extension is considered modest in size and scale, clearly reading as subservient to the Oast building, with a green roof to help reduce the visual appearance of the extension when viewed in the wider landscape.
- 38 Enhancements to the National Landscape can be demonstrated through bringing a vacant Oast building back into viable use through sympathetic repair and conversion works. Moreover, biodiversity enhancements can be secured on the site through a condition.
- 39 Concerns have been made regarding light pollution. The extent of glazing has been significantly reduced through the scheme. Moreover, regarding external lighting, this can be controlled through a condition requiring a sensitive lighting plan. The comments regarding waste and refuse storage as also noted and a condition is included to ensure suitable refuse storage details are provided.

- 40 Overall, the scheme would not be of a scale, bulk, mass or volume to pose harm to the character and appearance of the area or the National Landscape. The proposal can be found to conserve and enhance the character and beauty of the National Landscape and is acceptable in design. As such, the proposed development would not be considered harmful to the existing rural and open character of the area, or the National Landscape in accordance with policy SP1 of the Core Strategy, policies EN1 and EN5 of the ADMP and paragraph R5 of the Underriver Village Design Statement.

Impact on Heritage

- 41 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. The NPPF, at paragraph 205, states that great weight should be given to the conservation of heritage assets.
- 42 The site lies within the setting of the grade II listed building Kettleshill Farm (approximately 43m to the east). The building itself is an intact Oast House and is part of the historic farmstead of Kettleshill so is considered as a non-designated heritage asset.
- 43 Paragraph 209 of the NPPF states: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 44 It is proposed to convert the existing oast into a dwelling house and the proposed changes include a single storey flat roofed extension, internal alterations, introduction of upper floors to the stowage and roundels, introduction of fenestration to the stowage and roundels and external landscaping.
- 45 The previous application, reference 22/03031/FUL, was considered to have a harmfully domesticating appearance and the extension and other works to the Oast were considered to appear incongruous and not in keeping with the character of the existing building.
- 46 Regarding this application, the applicant has amended the plans to address the initial concerns from the Conservation Officer. The applicant has removed the windows and fenestration on the southern elevation, the fenestration on the roundels has been reduced and re-sited and it was confirmed the previous car port is not part of the application.
- 47 The Conservation Officer is supportive of the principle of conversion to secure the long term viable use of the Oast and prevent any further disrepair to the building. The alterations to the windows and fenestration are welcomed and are considered more sympathetic to the character of the building than the previous scheme. There are no objections raised to the internal works and the extension at the rear of the building.
- 48 That said, the Conservation Officer remains concerned about the two roof lights on the southern elevation, and the two windows on the north eastern roundel, in that they may domesticate the appearance of the building. The two roof lights are considered modest in size and scale and would be conservation grade roof lights,

sitting flush against the roof slope and not protruding from to roof. They would not read as bulky additions to the roof profile. Additionally, the windows on the roundel have been reduced and staggered to prevent an overly formalised appearance and to better reflect the rural and agricultural character of the building. However, the Conservation Officer is concerned they will still be visible and appear at odds with the building. This identified impact of the four windows is considered to constitute less than substantial harm to the non-designated heritage asset and the setting of the listed building.

- 49 The listed building is some 43m to the east, with a curtilage building sited some 22m from the Oast House to the east also. Paragraph 208 of the NPPF states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 50 The development would involve the re-use of an existing vacant building and converting this building into a dwelling would be a positive contribution as it would restore the existing building, a non-designated heritage asset, back into a viable use. The scheme would also contribute a new dwelling to the District's housing stock. Overall, the proposal is considered much improved from the previous submission and the previous concerns have predominantly been addressed. The impact of the two roof lights and two windows on the roundel is considered to be limited and less than substantial. In line with the NPPF, the public benefits of the scheme, through the restoration and repair of a currently vacant building, bringing it back into viable use through sympathetic conversion, is considered to outweigh the less than substantial harm identified.
- 51 Having regard to paragraph 209 of the NPPF, the scale of harm on the non-designated heritage asset would be limited and less than substantial. In having a balanced judgement, the benefits of the scheme in bringing the building back into a viable use and carrying out much needed structural and external repair works is considered to outweigh the harm identified. The four windows are limited in scope and will not lead to a loss of significance, with the significance and character of the Oast building considered to remain legible and intact.
- 52 Overall, the less than substantial harm to the non-designated heritage asset and the setting of the listed building is considered outweighed by the public benefits of the scheme, and the balanced judgement made above. The proposal is considered acceptable on heritage grounds and is considered in accordance with policy EN4 of the ADMP and paragraphs 208 and 209 of the NPPF.

Neighbouring Amenity & Future Occupiers

- 53 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 54 Due to the siting and location of the building, the development would be adequately separated from nearby neighbouring properties and would not be considered to cause a harmful loss of light, privacy or outlook to neighbouring residential amenity. The works would not be considered of a size, mass or bulk to cause harm to neighbouring amenity, with a separation distance of some 22m from the nearest residential property.

- 55 Regarding the amenity of future occupiers, all habitable spaces are served by natural sources of light and the plot benefits from suitable amenity space.
- 56 Considering the above, the proposal is therefore considered to comply with policy EN2 of the ADMP.

Parking and Highways Impact

- 57 Policies EN1, T2 and T3 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking and provision of an Electrical Vehicle charging point.
- 58 The block plan shows that there is adequate on-site spaces for parking associated with the new dwelling, this is acceptable. The access is as existing and this is considered to be acceptable, with no changes proposed. Details of an electric charging point can be secured by condition.
- 59 Overall, the proposal is considered acceptable on highway grounds and complies with policies T2, T3 of the ADMP in this regard.

Ecology

- 60 Policy SP11 of the Core Strategy states that the biodiversity of the district will be conserved, and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 61 The applicant has submitted the required ecology information as part of this application. KCC Ecology advise that sufficient information has been provided. The information confirms that Brown long eared bats use the site for day roosting, five species of foraging bats were identified and the presence of a kestrel nest was confirmed. The applicant has confirmed that suitable mitigation will be put in place, including:
- 3 bat boxes within the site prior to works commencing
 - All tiles / weather boarding to be removed under a watching ecological brief
 - Works to be carried out outside of bird breeding season or following a pre-commencement survey
- 62 KCC Ecology advise that they are satisfied with the principle of what has been proposed but recommend an updated bat mitigation strategy be submitted prior to works commencing, to provide details of integrated features to be incorporated into the building. Other conditions regarding lighting and measures to secure biodiversity enhancements can be attached.

Other Issues

- 63 Landscaping, materials and details of external lighting can be secured by condition. The plans show that the public right of way would be unaffected by the conversion and extension. Any proposal to divert the public right of way would be a separate matter for KCC Public Rights of Ways Team to advise on. Regarding private access agreements / rights of access over the land, the plans show the access arrangements

are to be maintained, however this would be a civil matter and not a material planning consideration. An informative can be secured to advise the applicant of private access arrangements and rights of ways on the site. Regarding the water metering and concerns over future development on the site, these are not material planning considerations and the water metering in particular is considered a civil matter that cannot form part of this planning assessment.

- 64 Regarding past planning history and past decisions on the site, the Development Plan is very different now, with adopted policy documents that were not present in the 1980s, 1990s, or even early 2000s. I have assessed the application against the relevant and adopted local and national planning policies that allow for conversions of existing buildings in the Green Belt, subject to certain criteria which are considered to be met in this case.
- 65 Regarding sewerage and foul water drainage, the applicant advises they will use a septic tank. This is acceptable and the applicant is advised to contact the Environment Agency if any consent or permit is required.
- 66 Regarding the comments from Environmental Health, a noise assessment is not deemed necessary in this instance. It is a rural area, with other residential properties within the vicinity. Regarding contamination, the only part of the scheme that would involve any ground works is the floor space for the extension. This is a modest area. A condition can be attached that in the event contamination is found the correct procedure is followed and a remediation strategy put in place.

CIL

- 67 The proposal is CIL liable and a self-build exemption has been applied for. The applicant has submitted a self-build Exemption Claim Form and an Assumption of Liability Form, confirming all the declarations required.

Additional criteria for exemption	Yes / No
Has the development commenced?	No
Has the claimant for exemption assumed liability to pay CIL for the dwelling subject of the claim for exemption, with the submission of an Assumption of Liability form?	Yes
Is more than one person assuming liability to pay CIL?	No

68 The applicant has confirmed the declarations for exemption on the form required and the additional criteria referred to in the above table are met. Therefore it is considered that the applicant, Ms Payne, is exempt from CIL on planning application 23/02918/FUL.

Conclusion

69 The proposal is considered to accord with the Green Belt policies of the NPPF and local policies GB7 and LO8. The proposal is considered to be appropriate development that would not be harmful to the openness of the Green Belt or the intrinsic beauty of the National Landscape. The proposal would also be considered acceptable with regards to the character and appearance of the area and neighbouring amenity and is considered in accordance with the Development Plan.

Recommendation

70 It is therefore recommended that this application is approved.

Background Papers

71 Site and block plan

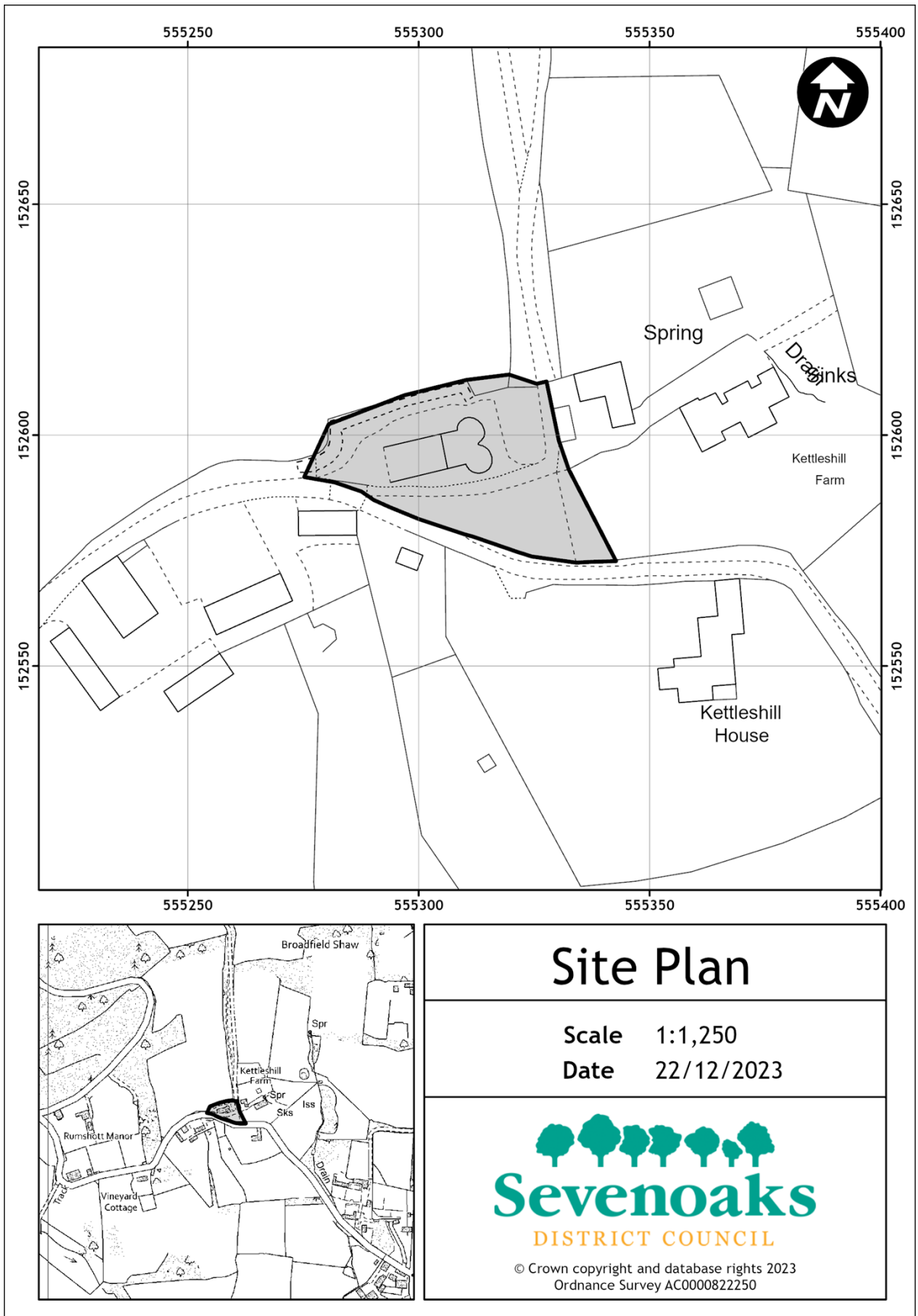
Contact Officer(s):

Anna Horn 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



PROPOSED BLOCK PLAN

