

Platt Borough Green And Long Mill	562707 156514	7 November 2014	TM/14/03684/FL
Proposal:	Erection of storage building for use ancillary to main dwelling including the archery club (retrospective)		
Location:	The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN		
Applicant:	Mr William Terry		

1. Description:

- 1.1 The application is for a detached storage building 55m to the rear of the host dwelling. A slab has already been constructed on site.
- 1.2 The submitted plans indicate the building will measure 17.2m in width; the depth will be 7.23m with a small part slightly deeper at 8.23m. The overall gross footprint is therefore approx. 128sqm (1378 sq ft). The eaves height is indicated at 2.5m and the overall ridge at 4.5m (14.75 ft). The roof form is fully pitched.
- 1.3 The materials are shown to be green stained timber cladding to the walls and doors. The plans propose concrete tiles in “rustic red or brown” but the applicant has also indicated a dark slate or similar to the roof would be acceptable to them. Windows are indicated to be brown wood effect UPVC. Rain water goods are indicated to be in black UPVC.
- 1.4 The building is to match the external dimensions of the outbuilding in the same location which was allowed on appeal in December 2006 under ref TM/05/00899/FL. However, the revised elevations have high level windows (8 in number on 3 elevations), and 3 normal doors and a set of double doors, all on the north elevation.
- 1.5 The appeal outbuilding would have covered an outdoor swimming pool (then in situ but since filled in and concreted over) and included a kitchenette and male and female changing/shower facilities. The north elevation was primarily glazed with 5 large windows.
- 1.6 The proposed outbuilding is shown to have 3 internal areas: a large garden equipment store and workshop served by double doors; an area for hobby storage; and an area for general household storage. The applicant advised that a large barn on adjacent land at Beechin Wood Farm that has been used for these purposes for a number of years is no longer available to the applicant and thus his urgent need for replacement storage facilities. An internal inspection of the barn at Beechin Wood Farm currently used showed it to have a part mezzanine floor to add to the storage capacity.

1.7 Whilst the application for this outbuilding was originally submitted as a householder development, it was amended to include reference to the archery use when it became clear that much of the “garden equipment” stored or worked upon in the workshop is likely to be used for maintenance of the archery field (eg, a number of ride-on mowers and a hedge trimmer). The hobby storage area is said to be intended for the applicant’s large collection of archery pictures and related artefacts and memorabilia. The domestic storage area is said to be for the type of householder items often stored in a typical domestic shed/garage (furniture and other household effects).

1.8 The applicant has submitted the following in support:

“Chamber two currently holds three sit-on mowers, one ride-on bush cutter, hedge cutters, plant and tools etc. needed to maintain the land and its planting in my ownership.

In this past 24 months, two major (archery) collections have been donated to my care. One of which is the library of the late Mr Fred Lake being the most comprehensive collection of archery books in the UK and beyond. The garage/store of which you make mention has now taken some of the overflow of artefacts from the main house. ...Space for storing and display is becoming ever precious and presents me and the future appointed Trustees with a serious issue. My tenancy of the cold store has provided a net floor area of 1,000 sq ft and with the introduction of a mezzanine floor in chamber one an additional area of 500 sq ft has been created. The net floor area of the new barn will be 1200 sq ft. Thus, there will be a deficiency of 300 sq ft. when I move from the cold store”.

2. Reason for reporting to Committee:

2.1 This has been called in by Cllr Taylor due to the concerns of the Parish Council.

3. The Site:

3.1 The site lies outside any settlement and is thus in the countryside. It is in the MGB and adjacent to a Conservation Area.

3.2 The site was originally part of Beechin Wood Farm but has been renamed The Butts. It comprises a detached dwelling with an area of former agricultural land to the north and north west, part of which has been re-profiled into a level area for the purposes of archery using longbows.

3.3 The commercial use of the archery field for a club and a visitor car park and a WC building south of the archery field were granted planning permission in 2013.

- 3.4 The western flank of the proposed outbuilding will be within 1m of the close boarded fenced boundary to the commercial units in former agricultural buildings which remain at Beechin Wood Farm but outside the ownership/control of the applicant.
- 3.5 The northern flank of the outbuilding will be 15m from the sunken archery field. Its southern flank will be 90m from Beechin Wood Lane and its eastern flank will be 27m from the sunken Boneashe Lane.
- 3.6 There is another outbuilding between the house and the archery field. It was approved in 2006 as a garage and store under ref TM/05/02804/FL and was subject to a condition that it should not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom. Its use was investigated in 2011 following complaints and it was found to have been used in the past as a staff annexe but the occupants have now left and it is now a staff room and it is understood that no habitation is taking place.

4. Planning History:

TM/01/02682/FL Refuse 13 December 2001

First floor extension

TM/02/00353/LDCP Certifies 30 October 2002

Lawful Development Certificate Proposed: First floor extension

TM/02/01896/FL Refuse 19 September 2002

Continued occupation of existing dwelling without complying with agricultural occupancy condition attached to planning permission ref: MK/4/65/93

TM/02/03560/FL Non-determination 15 December 2003
appeal
Allowed

Continued occupation of existing dwelling house without complying with agricultural occupancy condition attached to planning permission MK/4/65/93

TM/03/01789/FL Grant With Conditions 15 January 2004

Replacement pool house

TM/03/01821/FL Application Withdrawn 7 November 2003

Re-contouring of agricultural land to provide an area of level terrace

TM/04/00356/FL Grant With Conditions 16 August 2004

Proposed garage/garden store

TM/04/01799/FL Section 73A Approved 13 January 2005

Vehicular access

TM/04/02533/FL Grant With Conditions 22 June 2006

Construction of garage between existing retaining walls

TM/04/02898/FL Refuse 11 November 2004

Swimming pool enclosure, including changing facilities

TM/04/03680/FL Non-determination
appeal- withdrawn 2 February 2005

Retention of engineering works relating to land regrading

TM/04/03900/FL Grant With Conditions 31 January 2005

Proposed garage/garden store

TM/04/03680/FL Non-determination
appeal – withdrawn 2 February 2005

Retention of engineering works relating to land regrading

TM/05/00899/FL Refuse 25 August 2005
Allowed on appeal 8 December 2006

Swimming pool cover and changing rooms

TM/05/01135/FL Grant With Conditions 14 September 2005

First floor conservatory built over existing ground floor extension

TM/05/01396/FL Grant With Conditions 5 July 2006

Appeal on conditions 4,
6, 10 partly allowed 16 November 2007

Use of land for the practice of Archery for not more than 28 days in total in any calendar year

TM/05/02804/FL Grant With Conditions 16 June 2006

Garage and store (retrospective)

TM/07/01131/FL Approved 30 September 2008

Erection of sectional timber shed with mineral felted roof 12ft by 8ft

TM/10/00875/FL Approved 3 February 2012

Engineering operation to extend the size of the archery field to the North East, resiting of existing catch netting, associated landscaping together with Variation of condition 9 of TM/05/01396/FL to amend the direction of shooting (retrospective)

TM/11/02625/RD Approved 30 November 2011

Details of landscaping pursuant to condition 2 of appeal decision TM/05/0899/FL allowed 8th Dec 2006 (Swimming pool cover and changing rooms)

TM/12/01294/FL Approved 3 May 2013

Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west

TM/12/01373/FL Approved 23 December 2013

Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west)

TM/12/01951/FL Approved 3 May 2013

Retention of detached w.c. block for use by staff and persons using the archery field (retrospective)

5. Consultees:

- 5.1 PC: We would strongly object to this application. We are all aware of the history of this site, now a fully developed archery club, and again this application has been prompted by action from enforcement after works have already started. The essence of this application is to replace the extant permission for a pool covering with a new storage unit. If we refer to the appeal decision of 8 December 2006, where the *raison d'etre* was to enable the resident to use the pool throughout the year. It also stated that, otherwise, a new building would be detrimental and harmful to the green belt etc and would not be allowed. It further noted that the *"outbuilding must only be used for purposes GENUINELY incidental and ancillary to the host dwelling"* Not an archery club. The decision also stated that *"the appellants permitted development rights in relation to Class E buildings could be removed"*. We would maintain that this proposal falls under Class E *"examples could include.... buildings such as garden sheds, other storage buildings, garages,.... "*. We would also refer you to your permission granted for TM/04/00356/FL for a garage/store where your informative item 2 stated *"no further outbuildings are likely to be permitted"* We trust you still uphold this statement. As this store exists already, could we inquire why another store is required, unless this unit has other purposes? In summary we object on the grounds that this NEW proposal is detrimental and harmful to the green belt. The site, albeit large, is becoming over developed and there is no requirement for another store. Basically, enough is enough!
- 5.2 Private Reps (36/1R/0X/0S) plus art 13 site notice and Conservation Area press and site notice.
- One objection that, due to the history of the site, further development should be refused.
- 5.3 KFRS: No objections regarding means of access from the Fire Brigade.

6. Determining Issues:

- 6.1 This site has a complex planning history and has been the subject of a number of enforcement investigations and appeal decisions that have a bearing on this case. The main issues in terms of the MGB and countryside are appropriateness and the visual impact and the impact on openness. Relevant policies are CP1, CP3, CP14, CP24 of the TMBCS.
- 6.2 Paragraph 17 of the NPPF requires protection of the Green Belt and recognition of the intrinsic character and beauty of the countryside. It is the case that the erection of a new building is not inappropriate development in the MGB if it meets any one of the criteria in paragraph 89 of the NPPF which include the following:
- buildings for agriculture and forestry;

- provision of appropriate facilities for outdoor sport/recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

6.3 Paragraph 90 of the NPPF allows for certain other forms of development as appropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt, such as the re-use of buildings provided that the buildings are of permanent and substantial construction.

6.4 The parts of the proposed outbuilding to be used for the storage of equipment and associated workshop for repair/maintenance of items for the archery field such as ride-on mowers and the hedge trimmer can be argued to facilitate an open recreation use suited to a rural environment. Whilst the overall building is large, the part given over to store items for the archery field is relatively modest and would not, in isolation, affect the openness and purposes of the MGB significantly. This judgement is made in the context of the outbuilding being relatively close (12-13m) to buildings on the neighbouring site of Beechin Wood Farm which are now used for commercial purposes. A recreational use such as open air archery is a recognised function for the Green Belt and thus storage buildings to facilitate it is in compliance with paragraph 89 of the NPPF.

6.5 The areas around the archery field have been heavily planted with trees (some with a Forestry Commission Woodland grant) and there are also a number of hedgerows and hedges planted as landscape screening. It can thus also be argued that the new outbuilding would partly have a forestry function which makes any part of it used to store forestry related equipment appropriate in the MGB.

6.6 Whilst this is not technically a replacement building, it is inherent in the application that this outbuilding is being proposed to have the same siting, external form and size as the pool building allowed on appeal which was lawfully commenced and is thus extant and could be completed. Members will note that the PC has submitted comments in regard to its interpretation of the appeal decision.

6.7 The specific desire for a covered enclosure of the then outdoor swimming pool was **not** given as a reason for allowing the appeal. On the contrary, the Inspector expressly gave that no weight in her opinion, stating

“Whilst I acknowledge the appellant’s desire to make use of his pool through the year, in my view, this desire falls far short of being very special circumstances sufficient to clearly override the permanent harm which this scheme would cause to the Green Belt”

6.8 The summary of the appeal decision is reproduced as follows:

“The proposal would not harm the character and appearance of the surrounding rural area. However, it would cause intrinsic harm to the Green Belt by reason of inappropriateness and, in addition, would reduce its openness. Balanced against this, I have found other material considerations that favour the proposal. These are the strong possibility that a marginally lower building would be built under permitted development in any event and the lesser visual impact of the proposal compared to the previously permitted pool building. I find these considerations to be particularly compelling. In addition...the appellant’s permitted development rights in relation to Class E buildings could be removed”

6.9 It was principally relevant that there were, at that time, Class E permitted development rights (ie to erect similar sized outbuildings for domestic purposes within the lawful garden curtilage).

6.10 There were, in fact, no conditions imposed by the Inspector that the building should remain as a pool building, even if it had been completed for that purported reason. There were no conditions imposed by Inspector that the building should remain incidental and ancillary to the host dwelling (albeit such a restriction is inherent in the consent for a domestic swimming pool building). Class E rights for domestic outbuildings were removed by a condition that the Inspector imposed but that would have prevented further **additional** buildings being erected: obviously it would not have prevented the erection of the large pool building for which she was expressly granting planning permission in her decision letter.

6.11 The result of the 2006 appeal decision was that a building of the exact dimensions of the new proposal was endorsed by an Inspector in spite of its inappropriateness, due to her judgement that there were very special circumstances outweighing the harm from inappropriateness and other harm. As it was commenced within the statutory period, it could be completed as approved and, once completed, it could thereafter be used as a garden store, domestic storage and/or hobby storage without needing any further consents from the Council. Members are advised that since the pool building was commenced the Class E rights were consequently lost on the appeal site. However, this will be a new building with its own planning permission and it is felt necessary to again remove Class E pd rights.

6.12 I do accept, as the PC points out, that the storage of equipment in excess of domestic needs (such as ride on mowers and hedge trimmer for the archery field and its associated landscaping) would have to have been the subject of a change of use application if judged to result in an overall material change of use. However, it needs to be borne in mind that landowners have a prerogative to submit planning applications for development including material changes of use which must be determined on their merits.

- 6.13 In the light of the NPPF paragraph 89 as explained above, a completed pool building being replaced by a mixed domestic and archery field storage use would have been policy compliant. In the light of paragraph 90 of the NPPF, its conversion to a mixed domestic and archery field storage uses would also have been policy compliant.
- 6.14 The PC also refers to the existence of the garage/store permitted in 2005. It is true that this planning permission included an informative that no further outbuildings were likely to be permitted. An informative has no legal weight but TMBC did indeed follow the spirit of that informative in refusing the subsequent planning application for a pool building but it was allowed on appeal. The existence of an allowed appeal decision has to be treated as a material planning consideration. That is the requirement for LPAs in planning decisions notwithstanding the spirit of an informative on an earlier planning permission.
- 6.15 In terms of the PC's claim of an excessive level of storage at the site, I can advise Members that the items to be stored have been observed in the Beechin Wood Farm barn building currently used and I am satisfied that there is a genuine need to find a considerable amount of additional on site storage following the termination of the lease.
- 6.16 Members are reminded of an allowed appeal at a Green Belt site at Tanglewood under ref TM/11/00830/LDP for *Lawful Development Certificate Proposed: Provision of new swimming pool, erection of boiler shed/pump house and erection of detached ancillary domestic outbuilding to provide changing rooms, home office and games room/summer house.*
- 6.17 That proposed a domestic outbuilding of 15m by 6m (90 sq m) comprising a games room, home office, changing room and shower and kitchenette and garden room. The inspector stated that "*I am satisfied that there is no disparity between the size of the proposed pool house and the idea that it would be put to purposes incidental to the enjoyment of the dwellinghouse, the latter being, essentially, a substantial six bedroom property suitable for occupation by a large family*".
- 6.18 On that basis, I advise Members that it would be unreasonable to form the view that a larger mixed use storage building of 128sqm as proposed in this application which has a hobby/domestic element less than 70 sq m would be excessive in size.
- 6.19 Whilst the views and frustrations expressed by the PC are appreciated and understood, in the light of the 2006 appeal decision and the favourable stance of the NPPF as outlined above, they are unlikely to form defensible reasons to resist this application.

- 6.20 In favour of the current application compared to the appeal decision is that the materials of red facing brick are to be replaced by green stained timber cladding which will be more aesthetically sensitive to the rural MGB location in my view. The applicant has agreed to retain a dark coloured roof to further keep the appearance subdued in rural landscape terms. The overall changes to the elevations are supported as they will reduce the overall domestic appearance into one more “barn-like”. Thus the design, materials and appearance are not harmful to rural MGB character or visual amenities. Dark grey or black roofing/windows would further subdue the appearance and can be the subject of conditions in the event that Members are minded to grant planning permission.
- 6.21 The site is close to Platt Conservation Area and paragraph 137 of the NPPF states that opportunities for new development within the setting of heritage assets should enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. The proposed outbuilding does not impact on the Conservation Area in my view, due to the intervening distance of over 140m and its non-visibility due to intervening land form and trees/hedges.
- 6.22 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require the character and amenities of a locality to be safeguarded. As discussed above the character and visual amenities of the area are not harmed in principle.
- 6.23 The site adjoins 2 residential gardens to the north, the garden of the host dwelling to the south and Boneashe Lane to the east. Residential amenities need to be protected as per policy CP1 and CP24 of the TMBCS. However, as with the Conservation Area issue above, due to the intervening distances and its non-visibility due to intervening land form and trees/hedges, there is no residential amenity harm.
- 6.24 This site’s recent planning history has raised a lot of public concern. However, this application comprises a scheme that needs to be considered on its own merits and its specific planning history/appeal decisions, notwithstanding the retrospective nature of the building works or the past enforcement/appeal issues on the site. I recommend that planning permission should be granted subject to the conditions suggested below.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email roof materials dated 06.01.2015, Letter Fm Agent DTD 28.10.14 dated 29.10.2014, Design and Access Statement dated 29.10.2014, Block Plan dated 29.10.2014, Location Plan WT/2010/10 dated 07.11.2014, Floor Plans And Elevations 14/800/50 (inc previous approval) dated 29.10.2014, Proposed Plans

and Elevations 14/800/51 dated 29.10.2014, Roof Plan 14/800/52 (inc previous approval) dated 29.10.2014, Email storage justification dated 09.01.2015, subject to the following:

Conditions

1. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

2. This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 08.12.06 and under reference(s) TM/05/00899/FL).

Reason: The exercise of more than one permission would result in an overintensive use of the land.

3. The outbuilding hereby permitted shall be used only for the storage/workshop purposes for garden equipment, hobby artefacts and/or general household items and for the storage of equipment necessary to maintain the associated land.

Reason: To accord with the terms of the application in the interests of the amenities of the rural Green Belt.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the openness of the rural Green Belt.

Informatives

- 1 You are advised that dark coloured grey/black roofing and joinery in a colour to match are suggested in regard to condition 1.

Contact: Marion Geary