

Section '5' – Applications meriting special consideration

**Application No : 10/01401/FULL6**

**Ward:  
Darwin**

**Address : Cedar Farm Cudham Lane South  
Cudham Sevenoaks TN14 7QD**

**OS Grid Ref: E: 545187 N: 158693**

**Applicant : Mr G Morgan**

**Objections : YES**

**Description of Development:**

Single storey building to provide 3 stables and hay store and 2 storey building to provide triple garage with office (ancillary to main dwelling above) RETROSPECTIVE APPLICATION

Key designations:

Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

**Proposal**

- Two detached buildings to provide 3 stables with hay store above, and a triple garage / barn with accommodation above. The buildings have already been constructed and this application seeks to amend the size of the existing buildings in order overcome a previous refusal. Landscape screening is proposed should permission be granted.
- Buildings are constructed from brick and tiles and form a horseshoe shape facing the new dwelling at the site, the stables building being an 'L' shape.
- The stable building would be 6 metres to the flat roof area for the two storey section, and 6 metres to the ridge above the stables. It has a total ground floor area of 134sqm. It is confirmed that the existing first floor will be removed.
- The garage / barn / office building is two storey throughout and reaches 5.8 metres to the flat roof. It comprises approximately 161sqm of accommodation. An external staircase is shown enabling access to the first floor on the elevation fronting the new dwelling.

- The applicant's covering letter explains that the design of the scheme matches the reduction in both the footprint and height to accord with planning permission 09/02711 but modifies the construction of the roofs with the objective of "simplifying the nature and time taken to execute the remedial works currently in progress."

## **Location**

The site is located at the southern tip of the Borough in an entirely rural location within the Green Belt.

## **Comments from Local Residents**

A number of objections have been received from local residents including the Cudham Residents Association. These primarily concern the size and design of the buildings, the length of time they have been in place without planning permission, the impact upon the character of the area and Green Belt in particular. The Residents Association are particularly concerned that an acceptable compromise was agreed with the Council and permitted and that this proposal represents a significant change from that. They are also concerned that the proposed reduction in bulk of the buildings is not sufficient in reducing the overall bulk.

## **Comments from Consultees**

There are no consultee comments to report.

## **Planning Considerations**

The proposal falls to be considered with regard to Policies G1 (Green Belt), G4 (Dwellings in the Green Belt), BE1 (Design), BE3 (Buildings in Rural Areas), and L3 (Stables and Horse Related Development) of the Unitary Development Plan, and also PPG2 – Green Belts

## **Planning History**

The planning history of the site is detailed and can be summarised as follows:

Application ref. 91/00798 was refused for "Replacement stable block comprising 12 stables and associated facilities". This was refused on the basis that it comprised inappropriate development in the Green Belt and by reason of the size, siting and external appearance would be detrimental to the appearance and amenities of the area.

Certificate of lawfulness for an existing use application ref. 03/02109 was granted in August 2003 for the use of an outbuilding building as separate dwelling house. It was

proven that the unauthorised use had been carried on for four years or more and therefore the Council was obliged to grant the certificate.

Application ref. 04/01091 for 'Demolition of existing dwelling and "Grooms Cottage" and erection of two storey four bedroom house and single storey three bedroom dwelling and detached garage' was withdrawn following the decision for the subsequent application 04/01093: This was submitted for 'Demolition of existing dwelling, "Grooms Cottage" and equestrian buildings and erection of 2 four bedroom houses with 2 detached garages and 2 detached stable buildings; formation of residential curtilage.' This application was refused for the following reasons:

- 1 The site is within the Green Belt where there is a presumption against inappropriate residential development and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G.2 of the adopted Unitary Development Plan and Policy G1 of the second deposit draft Unitary Development Plan (September 2002).
- 2 Given the size and bulk of the proposed replacement dwellings, the proposal constitutes inappropriate development and would harm the character and openness of the Green Belt, contrary to Policy G.4 of the adopted Unitary Development Plan and Policy G6 of the second deposit draft Unitary Development Plan (Sept 2002).

This decision was the subject of an appeal which was withdrawn prior to being determined.

Planning application ref. 05/00617 for 'Demolition of all residential and farm buildings on site and erection of detached house, detached garage and detached stable buildings and creation of residential curtilage' was granted subject to the prior completion of a legal agreement which restricted the residential curtilage of the proposed dwelling. Figures taken from the agent's submission for permission 05/00617 stated that the floor space of the combined previous (lawful) 2 dwellings was 294sqm. A 10% increase in area as allowed under Policy G4 would have allowed for around 323sqm replacement floor area within policy tolerances. The total floor area of the existing buildings (residential and farm) on the site at the time of application ref. 05/00617 amounted to approximately 1,413sqm. The proposed replacement dwelling comprised 836sqm and the garage and stable (as proposed for application ref. 05/00617) amounted to a further 256sqm floor area. The increase in residential floor area, including garage (but excluding the stables) was therefore 69% and therefore constituted inappropriate development within the Green Belt. Overall, the Council's calculations showed a 321sqm reduction in floorspace, creating a 22% reduction in built development floor area, however it should be noted that the 'trading' of farm or other floorspace for residential development is not specifically allowed by Green Belt policies and can only be considered as a very special circumstance.

Therefore at committee Members carefully considered the proposal and decided that the extinguishment of the second residential dwelling and the overall reduction in floorspace at the site, combined with the design of the development could constitute very special circumstances to warrant permission being granted as an exception to normal Green Belt policy. A condition was applied to the planning permission at committee stage requiring details of the outbuildings – this was primarily to address a concern that the stables faced away from the main house and that this could require further hardstanding to be constructed – a condition could allow details of the stables to be agreed facing the house.

Following a complaint in July 2008 it came to the Council's attention that both the main house and outbuildings had been constructed otherwise than in accordance with the approved plans, and furthermore that no details for changes to the outbuildings had been submitted or approved as required by planning condition. Application ref. 08/03796 was eventually submitted for amendments to the dwelling granted under permission ref. 05/00617 – this has subsequently been granted permission. Proposals are altered from the plans originally submitted as part of the application for the redevelopment of the site which showed a single storey stables building with 3 stables and a weatherboard finish.

A Breach of Condition Notice was authorised at committee on 18th December 2008 in respect of the lack of detail submitted in relation to the outbuildings. The unauthorised outbuildings were then the subject of an enforcement report to committee on 19th February 2009 recommending enforcement action be taken. This application was submitted subsequently and no action has yet been authorised pending its outcome.

Subsequently, application ref. 09/00449 was refused for the buildings as they are currently constructed for the following reasons:

- 1 The outbuildings would constitute inappropriate development within the Green Belt where there is a presumption against such development and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 or G4 of the Unitary Development Plan.
- 2 The outbuildings by reason of their siting, scale, form and materials are unacceptably prominent in this rural location, harmful to the rural character of the area, therefore contrary to Policies L3, BE1 and BE3 of the Unitary Development Plan.

The most recent application, ref. 09/02711 sought permission for a revised size and design for the outbuildings, closer to that originally submitted with the 2005 application to redevelop the site. This revised proposal was considered to be acceptable on the basis that the work was carried out by May 2010. To date only minor works have been carried out.

## Conclusions

The primary consideration in this case is the impact of the proposal upon the Green Belt. Particular regard should be given to the planning history, especially the differences between the permitted and refused schemes for these two outbuildings. The buildings as they stand are considered to be unacceptable as per the refusal of application 09/00499. However the Council has permitted a revised proposal under reference 09/02711 which showed the buildings reduced to 134sqm and 161sqm, and both at a height of 6m to the ridge. The floorspace in this proposal is identical to that scheme, and the overall height of the buildings is also 6m, achieved by effectively slicing the roof of each building. This does however result in an increased bulk compared to the approved scheme, and the design of the buildings may be considered less aesthetically pleasing. This needs to be considered with regard to the impact on the Green Belt, and the overall character of the area.

With regard to Policies BE1 and BE3 these buildings, with or without screening are substantial and it is doubtful as to whether they comply with the aims of Policy BE3 regarding buildings in rural areas, which requires such buildings to employ traditional styles of design and high quality materials of local character. The proposed drawings from application ref. 05/00617 showed a far more modest construction with timber facing materials which would have appeared subservient to the main dwelling and more appropriate in this exposed rural location.

With regard to Policy L3 regarding to horse related development the proposal could be regarded not to meet the requirements of criteria (i) which requires the siting, scale, form and materials of such developments not to have any adverse impact upon the open or rural character of the Green Belt. Members will need to consider whether the changes from the approved scheme are sufficient to still merit compliance with this criteria.

Policy G4 of the Unitary Development Plan deals with extensions and alterations to dwellings in the Green Belt. It states that outbuildings further than 5 metres away from the dwelling constitute inappropriate development and that very special circumstances must be demonstrated to justify such development. Policy G1 and PPG2 set out what may be considered appropriate development in the Green Belt.

The planning permission for this site was very carefully considered by Members for application ref. 05/00617, who came to the conclusion at that time that very special circumstances were present in light of the overall reduction in built development at the site and the extinguishment of a second residential curtilage. This decision was based on floorspace figures and the application submitted drawings. The proposed buildings are now shown reduced and to a similar size to that originally proposed with application ref. 05/00617. The overall floorspace at the site therefore now reflects that set out above for the original permission.

Although the buildings now proposed are brick construction, they will appear in keeping with the existing house, and subject to the agreement of suitable screening, will have a reduced impact when compared to the existing buildings.

With regard to the Green Belt policies G1, G4 and PPG2, Members are asked to consider the background of the previous permission, and whether these outbuildings are harmful to the Green Belt or rural character of the area. Whilst the floorspace and overall height now matches that previously considered acceptable by the Council, the remains an increased bulk compared to the approved scheme and the design involving slicing of the existing roof is not particularly elegant or in keeping with this rural location.

Background papers referred to during production of this report comprise all correspondence on files refs. 03/02109, 04/01091, 04/01093, 05/00617, 08/03796, 09/00449, 09/00682, 09/02711 and 10/01401, excluding exempt information.

### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 The existing buildings shall be demolished and/or modified as required to comply with the plans hereby approved within 6 months of the date of this decision.  
**Reason:** In order to prevent continuing harm to the visual impact of the Green Belt and to comply with Policies G1 and G4 of the Unitary Development Plan.
- 2 ACA04 Landscaping Scheme - full app no details  
ACA04R Reason A04
- 3 ACC07 Materials as set out in application  
ACC07R Reason C07
- 4 The buildings hereby permitted shall only be used for purposes ancillary to the residential use at Cedar Farm and for no other purpose.  
**Reason:** In order prevent any commercial or other unrelated use within this residential site and to accord with Policy G4 of the Unitary Development Plan.
- 5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in buildings hereby permitted, without the prior approval in writing of the Local Planning Authority.  
ACI17R I17 reason (1 insert) G1
- 6 ACI18 No additional hardstanding  
ACI18R I18 reason
- 7 The garage hereby permitted shall be used for purposes incidental to the dwelling, and shall not be used for living accommodation or severed to form a separate self-contained unit.  
ACI19R I19 reason
- 8 ACK01 Compliance with submitted plan

**Reason:** In order to comply with Policy G1 of the Unitary Development Plan and to prevent any harm to the openness and character of the area.

9 There shall be no first floor accommodation provided within the stable building without the prior approval in writing of the Local Planning Authority.

**Reason:** To prevent an overdevelopment of the site and to protect the amenities of the Green Belt and area in general in accordance with Policies G1 and G4 of the Unitary Development Plan.

10 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of new development

BE3 Buildings in Rural Areas

L3 Horses, Stabling and Riding Facilities

G4 Extensions/Alterations to dwellings in the Green Belt

G1 Green Belt

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

1 The outbuildings would constitute inappropriate development within the Green Belt where there is a presumption against such development and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 or G4 of the Unitary Development Plan.

2 The outbuildings by reason of their siting, scale, form and materials are unacceptably prominent in this rural location, harmful to the rural character of the area, therefore contrary to Policies L3, BE1 and BE3 of the Unitary Development Plan.

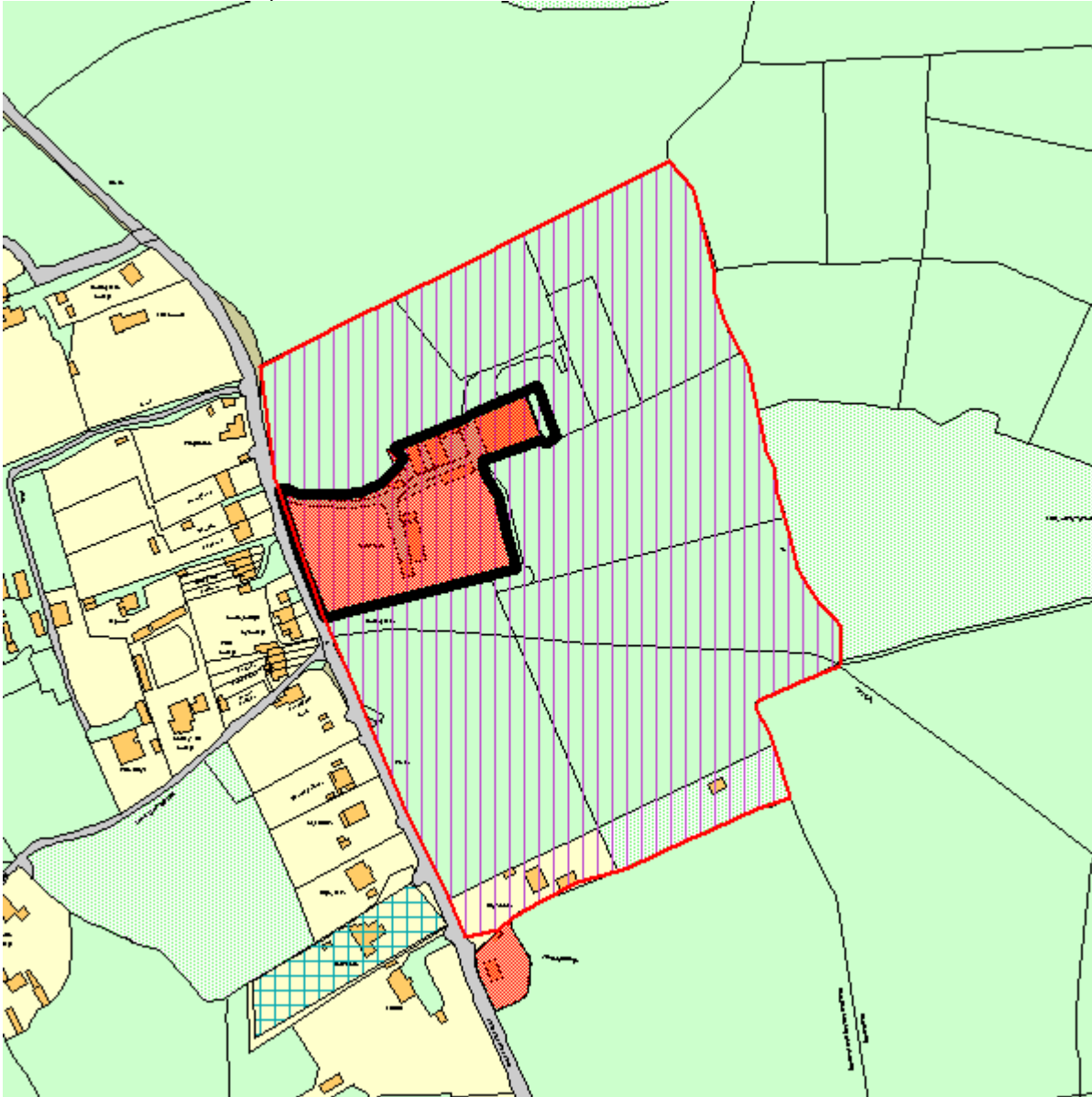
Further Recommendation:

The previously authorised Enforcement Action be amended to seek a reduction in the buildings to comply with the approved scheme under ref .09/02711.

Reference: 10/01401/FULL6

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