

Committee Date	08.02.2024	
Address	Jubilee Cottage Cudham Lane South Cudham Sevenoaks TN14 7PA	
Application Number	22/04228/FULL6	Officer - Suzanne Lyon
Ward	Darwin	
Proposal	Formation of an additional vehicular access to create a carriage driveway.	
Applicant	Agent	
Mr Dan Moorcroft	Mr Frank Knight	
Jubilee Cottage Cudham Lane South Cudham Sevenoaks TN14 7PA	1 Forde Avenue Bromley BR1 3EU	
Reason for referral to committee	Councillor call in	
	Call-in	<p>Cllr Andrews</p> <p><i>“Concern regarding the potential for contravention of the policies of the Bromley Local Plan, including but not limited to Policy 49 (The Green Belt) which states that “Within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings on land falling within the Green Belt will be inappropriate” unless it falls into specific categories.”</i></p>

RECOMMENDATION	Application Permitted
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KEY DESIGNATIONS

- Article 4 Direction
- Special Advertisement Control Area
- Biggin Hill Safeguarding Area
- Green Belt
- London City Airport Safeguarding

Representation summary	Neighbour letters were sent 28/10/2022 A site notice was displayed on 16/11/12
Total number of responses	2
Number in support	0
Number of objections	2

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- No unacceptable impact on the Green Belt would arise,
- No unacceptable Highways impacts would arise,
- No unacceptable impact would arise to neighbouring occupiers

2 LOCATION

2.1 The application site is host to a detached dwelling located on the eastern side of Cudham Lane South.

2.2 The site lies within a rural area that is designated as Green Belt.



Fig.1 – OS Map

3 PROPOSAL

3.1 Permission is sought for the formation of an additional vehicular access to create a carriage driveway.

3.2 This application has been 'called-in' by ward Councillors.

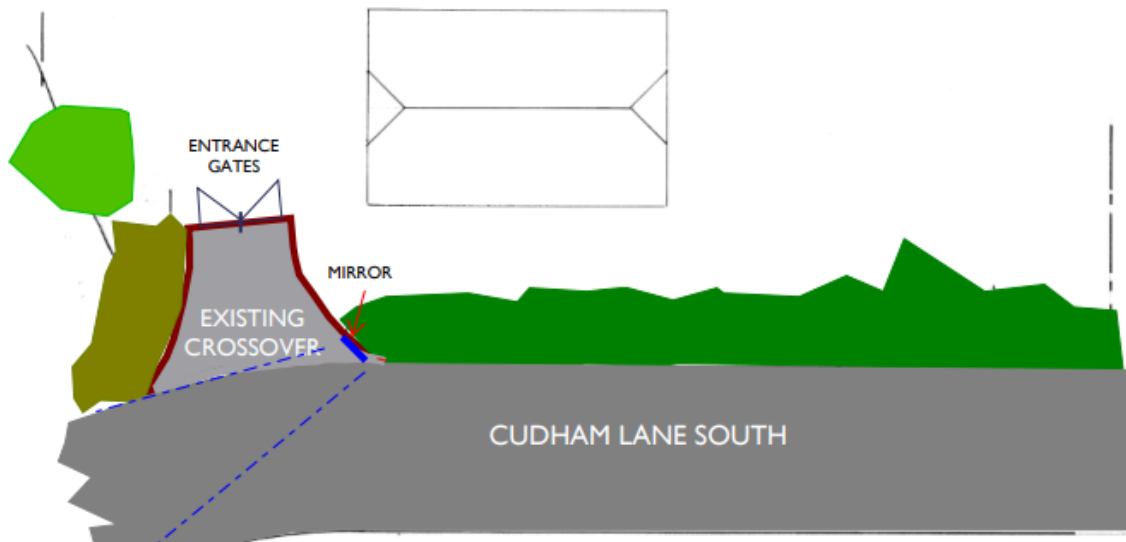


Fig.2 – Existing plans

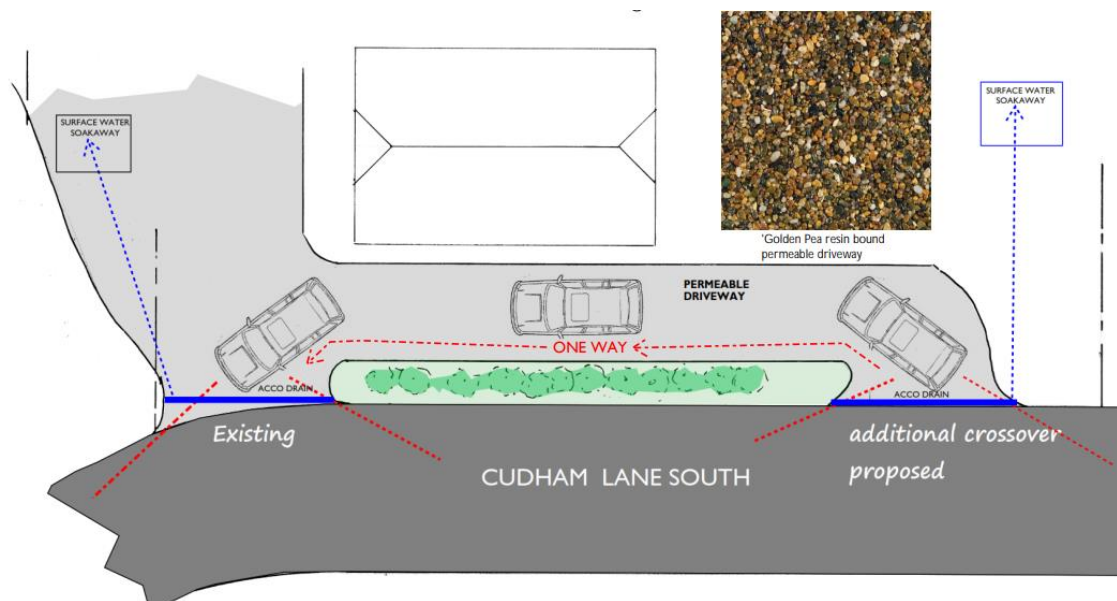


Fig.3 – Proposed plans



Fig.4 – Site photos

4 RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site is summarised as follows:

- 05/02790/FULL6 - Single storey front extension, and enlargement of roof including front and rear dormers to provide first floor accommodation - Refused 28.09.2005
- 06/01173/FULL6 - Enlargement of roof including front and rear dormers to provide first floor accommodation – Permitted 24.05.2006
- 08/00044/FULL6 - Roof alterations to include front and rear dormers with end Juliet balcony and front porch - Refused 19.02.2008
- 08/01118/FULL6 - Roof alterations to include one rear dormer with end Juliet balcony and front porch - Refused 09.06.2008
- 09/01529/FULL6 - Single storey rear extension and roof alterations to incorporate front and rear dormers - Refused 07.09.2009
- 12/00361/FULL6 - Enlargement of roof including front and rear dormers to provide first floor accommodation - Permitted 14.05.2012
- 14/05011/PLUD - Replacement detached garage. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT. – Proposed Development Is Lawful 16.02.2015
- 21/03586/ELUD - Outbuilding to accommodate a gym LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) – Existing Use/Development Is Not Lawful 24.02.2023
- 22/04172/PLUD - Single storey side and rear extensions with relocation of front door. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) – Proposed Use/Development Is Not Lawful 06.10.2023

5 CONSULTATION SUMMARY

A) Statutory

- Highways
 - Cudham Lane South is a classified road, a Local Distributor.
 - The existing access has a gate set back from the lane which does not match the layout shown on the plan supplied. I note there is a mirror on the access which indicates there is an issue with sightlines.
 - The proposed access will also have sub-standard sightlines.
 - I would ask that a detailed layout drawing is supplied of the proposed access arrangements with all features gates, mirrors, etc existing and proposed shown. Policy 34 of the Local Plan indicates that, as

the access will be on a classified road, a road safety audit is required. I would therefore ask that a combined Stage 1 / 2 Road Safety Audit is supplied using the detailed layout

- Road Safety Audit was submitted 22nd September 2023

- Trees
 - No objection

B) Local Groups

- N/A

C) Adjoining Occupiers (summary)

- Parking
 - The dwelling and surrounding areas are used to operate a property maintenance business. The existing parking areas are used for numerous commercial vans, trucks, plant and equipment, ladders, gas bottles and diesel storage.
 - The drive area will be extended on the right side into the newly acquired agricultural land providing easy access for further storage of builders plant and materials.
- Other
 - The newly acquired agricultural land is now often used for quad bike racing. With easy access the quad bike racing will be increased with visitors. This creates a great deal of noise and fumes. This is in the green belt. The current agricultural use should not be changed because a change of owner.
 - Allegations of multiple inappropriate activities in the Green Belt would indicate the need for enforcement investigation prior to any consideration of the current planning application

Please note the above is a summary of the material planning considerations and the full text is available on the council's website.

6 POLICIES AND GUIDANCE

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:

6.5 **The London Plan 2021**

D1 London's form character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
G2 London's Green Belt
T6 Car parking

6.6 **Bromley Local Plan 2019**

30 Parking
32 Road Safety
37 General Design of Development
49 Green Belt
51 Dwellings in the Green Belt or on Metropolitan Open Land
73 Development and Trees

6.7 **Bromley Supplementary Guidance**

Urban Design SPC (Bromley, 2023)

7 **ASSESSMENT**

7.1 Green Belt

7.1.1 Chapter 13 of the NPPF (2023) deals with 'Protecting Green Belt land'. The NPPF (2023) places great importance on the protection of Green Belt land and states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence.

7.1.2 Paragraph 143 of the NPPF (2023) states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.1.3 Paragraph 155 of the NPPF (2023) states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.1.4 As highlighted by paragraphs 152-153 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Further, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.1.5 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.
- 7.1.6 Policy 49 of the BLP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate unless it is for a limited extension, alteration or replacement of existing dwellings.
- 7.1.7 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.
- 7.1.8 The proposed access and hardstanding would provide an in-and-out driveway which runs in front of the property, parallel to the road, creating an area which would measure approximately 115 sqm. The proposal indicates that vegetation will be retained along the frontage. The hardstanding is also indicated to be "Golden Pea resin bound" permeable paving.
- 7.1.9 It is considered that the proposed development is an engineering operation and therefore may not be inappropriate in the Green Belt as set out in Paragraph 155, provided that it preserves its openness and does not conflict with the purposes of including land within it. The area of hardstanding is reasonable in relation to the size of the plot and dwelling, and given the proposed permeable material, together with the siting of the hardstanding between the dwelling and

the road, it is not considered to impact significantly on the openness of the Green Belt. The removal of the part of the hedge to form the access point is modest in scale and not considered to impact significantly on the openness of the Green Belt.

7.2 Design - Acceptable

7.2.1 The proposed access and hardstanding would provide an in-and-out driveway which runs in front of the property, parallel to the road. It is noted that no fence or gates are proposed.

7.2.2 Having regard to the form, scale, siting and proposed materials it is considered that the proposal would complement the host property and would not appear out of character with surrounding development or the area generally.

7.3 Highways - Acceptable

7.3.1 The area has a PTAL level of 1a (on a scale of 0 - 6b, where 6b is the most accessible). Cudham Lane South is a classified road, a Local Distributor.

7.3.2 Initial concerns were raised regarding the sightlines. Additional information was requested regarding the layout, proposed arrangements. Policy 34 of the Local Plan indicates that, as the access will be on a classified road, a Road Safety Audit is also required.

7.3.3 The Road Safety Audit was received 22nd September 2023. It recommends that:

1. Any disturbed soil/vegetation is suitably compacted/reinforced following construction of the access, in order to ensure that any risk of loose material on the adjacent highway is minimised, and
2. Precautions are taken as appropriate, to ensure that the stability of the telegraph pole will not be compromised during the works or thereafter

7.3.4 Subject to the above, no objection was raised from a highways perspective.

7.4 Trees – Acceptable

7.4.1 The proposed access would provide an in-and-out driveway which runs in front of the property, parallel to the road. The proposal includes the removal of a section of hedge which borders Cudham Lane South, to accommodate the proposed access. The site is located within the Green Belt however there are no Tree Preservation Orders on or around this site. The Councils Tree Officer raised no objection.

7.5 Residential Amenity – Acceptable

- 7.5.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.5.2 Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.
- 7.5.3 It is noted that concern has been raised regarding the use of the adjacent land, however this would be a matter for Planning Enforcement.

8 CONCLUSION

- 8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would not result in a significant impact on the character of the surrounding area, openness of the Green Belt or the amenities of neighbouring residential properties.

RECOMMENDATION: Application Permitted

As amended by documents received on 22/09/23 and 6/12/23

Subject to the following conditions:

1. **Standard time limit of 3 years**
2. **Standard compliance with approved plans**
3. **Materials in accordance with the approved plans**
4. **Disturbed soil/vegetation is compacted/reinforced following construction**
5. **Precautions are taken to ensure that the stability of the telegraph pole**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary