



Appeal Decision

Hearing held on 17 and 18 October 2023

Site visit made on 18 October 2023

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/01/2024

Appeal Ref: APP/G2245/W/23/3318975

Maplescombe Farm, Maplescombe Lane, Farningham, Kent DA4 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ("the Act") against a refusal to grant planning permission.
 - The appeal is made by FC Stark against the decision of Sevenoaks District Council.
 - The application Ref 22/00093/FUL, dated 12 January 2022, was refused by notice dated 7 October 2022.
 - The development proposed is conversion of 6 agricultural buildings into 10 dwellings and the demolition of 3 additional agricultural buildings, in conjunction with associated parking, amenity area and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Hearing was combined with appeal APP/G2245/C/21/3288583, against an enforcement notice issued by the Council alleging, without planning permission, the change of use of part of the land of this appeal, including buildings 8 and 9, for the storage of vehicles, motor vehicle repairs and motor vehicle spraying.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England were renamed National Landscapes. This did not affect their legal designation or policy status, so it was not necessary to revert to the parties.
4. The National Planning Policy Framework ("the Framework") was revised after the Hearing but did not include any changes material to the planning issues to be considered in the appeal, so it was not necessary to revert to the parties.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposed conversion constitutes inappropriate development in the Green Belt ("the GB"), having regard to its effect on the openness and purposes of including land in the GB.
 - Its effect on the character and appearance of the area, including the landscape and scenic beauty of the Eynsford and Horton Kirby Downs Landscape within the Kent Downs National Landscape ("the NL").
 - Its effect on the significance of Maplescombe Farm House, a designated heritage asset.
 - Its effects on ecology and biodiversity.

- The provision of affordable housing.

Reasons

Whether the proposed conversion is inappropriate development

6. Paragraph 155d) of the Framework confirms that the re-use of buildings of permanent and substantial construction is not inappropriate development in the GB provided its openness is preserved and there is no conflict with the purposes of including land within it.
7. The buildings are predominantly steel framed and are of permanent and substantial construction. Their conversion to 10 dwellings, including the enclosure of private gardens and the provision of car parking would have some effect on the openness of the GB in spatial and visual terms. However, the proposal includes the demolition of buildings 3, 5 and 7, the part demolition and conversion of building 1 and the conversion of 5 others (buildings 2, 4, 6, 8 and 9) without enlargement. This would reduce built form by 42% in terms of total footprint.
8. The reduction in built form would enhance the openness of the GB in spatial and visual terms, particularly through the demolition of building 3, which stands on rising ground at the western edge of the site, with farmland beyond. The proposal would therefore have a beneficial effect by reducing encroachment into the countryside. It would also have no effect in terms of the 4 other purposes of including land within the GB, set out in paragraph 143 of the Framework.
9. Accordingly, and subject to appropriate detailed controls, the proposal would preserve the openness of the GB and not conflict with the purposes of including land within it. It is therefore not inappropriate development.

Character and appearance, including the NL

10. Paragraph 182 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in NLs, which have the highest status of protection in relation to these issues. Policy LO8 of the of the Sevenoaks Local Development Framework Core Strategy (the CS) phrases this responsibility to conserve and enhance in terms of the distinctive character of the NL. Policy EN5 of the Sevenoaks Allocations and Development Management Plan (the ADMP) requires a judgement to be made in terms of form, scale, materials and design, having regard to the relevant NL management plan.
11. The NL management plan defines the special components, characteristics and qualities of the NL as a whole, while the Sevenoaks Landscape Character Assessment 2017 (the LCA) provides a more detailed description for the area. The LCA identifies the character of the Eynsford and Horton Kirby Downs, within which the appeal site lies. This includes undulating chalk landscape with dry valleys and isolated farmsteads and hamlets connected by narrow winding lanes. These characteristics are all exhibited in the vicinity of the appeal site. While the appellant and the Council disagree about whether the site lies within a hamlet or is part of a more sporadic pattern of development, I shall describe the vicinity, which includes C20th housing in both directions along the lane, as Maplescombe for convenience.

12. The appeal site is a major component of a group of buildings centred on Maplescombe Farm and associated historic development, including a former oast house. Sporadic residential development is found opposite and in small groups in either direction along the lane. Overall, the built form of Maplescombe exhibits a linear character, following the lane as it runs through a steep sided dry valley. The topography confers an isolated and tranquil character to the area, notwithstanding its proximity to the village of West Kingsdown and to Brands Hatch, the A20 and the M20.
13. Buildings 1 to 9 form a significant group of modern construction, reflecting the increasingly mechanised agricultural practices of the last century and do not reflect the key characteristics of the NL. Nevertheless, they reflect their agricultural function and their use as such has maintained tranquillity.
14. Viewed in this context, the demolition of buildings 3, 5 and 7, particularly building 3 because of its position, would enhance the local landscape by reducing the extent of uncharacteristic elements. The residential use would, however, introduce associated activity, particularly car parking, and works including garden boundaries, lighting and refuse storage, that should be considered alongside that enhancement. Furthermore, the number of dwellings and their concentration in a formal group would not reflect the prevalent pattern of development within Maplescombe.
15. Significantly, the design of the proposed conversion, including large, glazed sections and numerous roof lights, and the rhythm of those features, particularly in buildings 4 and 6, serves to emphasise the incongruous scale and form of the existing buildings.
16. Darker skies are a significant characteristic of the NL, contributing strongly to its sense of tranquillity and isolation from major infrastructure and centres of population. Maplescombe may not be particularly dark at night within the context of the NL, mostly due to light from existing dwellings. However, it lacks street lighting, and the resulting relative darkness is an important aspect of its character.
17. Maplescombe can be seen and appreciated from public footpath SD172 that climbs the steep eastern side of the dry valley, leading to West Kingsdown. The footpath affords clear views of the appeal site from and between viewpoints 9 and 10 of the appellant's landscape and visual appraisal. Partial views of the site can be gained from other viewpoints, including a bridleway to the south.
18. Existing dwellings along the lane are of differing designs, incorporating windows of traditional domestic scale in varying positions. This means that light emitted from them at dusk and during the subsequent hours of darkness will be scattered and limited. In contrast, buildings 1, 4 and 9 would incorporate large upper floor windows extending into their southern, eastern, and western roof planes respectively. Buildings 1, 6, 8 and 9 would incorporate glazing reaching from ground to eaves in their western, eastern, northern, and western elevations respectively.
19. The most significant aspects of this are the windows that extend into roof planes and the ground-to-eaves glazing in the eastern elevation of building 6, which would face the lane and footpath SD172 beyond. The perception of light spillage at dusk and during the subsequent hours of darkness from these

- numerous large openings would be strengthened by reason of their regular pattern within the fabric of the buildings.
20. While existing and proposed landscape planting might mitigate this effect to some extent, views from higher ground, particularly from footpath SD172, would remain, especially during winter months, when trees are not in leaf and the nights are longer. Furthermore, the common design of large, glazed areas and their regularity within the proposed complex would serve to emphasise the non-domestic scale of the buildings, which are at odds with the prevailing pattern of built development within the NL. While a lighting strategy could help the development integrate with its surroundings, I cannot foresee any such strategy managing or mitigating light from within the proposed dwellings.
21. I appreciate that resumption of agricultural use might entail uncontrolled sources of external lighting. However, I consider the use of such lighting would be limited, for reasons of economy and because agricultural activity is usually confined to daylight hours. In contrast, internal illumination of the proposed dwellings during hours of darkness is an everyday certainty.
22. The activity associated with the previous agricultural use of the site would have had some effect on the character of the NL. However, farming is a dominant land use within the landscape, so agricultural activity is to be expected. No data has been provided on the number of vehicle movements that might be expected in a typical day's agricultural activity on the site. However, it seems unlikely that the proposed 10 dwellings would not generate more movements throughout the week, even though it would generally involve smaller vehicles.
23. For these reasons, and despite the demolition of buildings 3, 5 and 7 and the suggested mitigation measures, the proposed development would emphasise the uncharacteristic scale and form of the buildings. The inclusion of significant glazed areas within the converted buildings would increase illumination at dusk and during the subsequent hours of darkness. This would erode the darker skies, which are a key component of the distinctive tranquil character of the NL. The proposal would therefore fail to respect the character of the surrounding area and would not conserve or enhance the character of the landscape, contrary to policies SP1 and LO8 of the CS and policies EN1 and EN5 of the ADMP.

The significance of the heritage asset

24. The site is a complex of C20th buildings associated with Maplescombe Farm House, a grade II listed building, and forming part of its setting. It is necessary to have special regard to the desirability of preserving the setting of the Farm House, among other things, and it must be determined whether there would be any harm to its significance as a designated heritage asset.
25. Historically, the appeal site was undeveloped and the buildings on it are relatively recent additions. Their relationship with the Farm House is therefore more functional than historic. However, the setting of the Farm House within former and existing agricultural buildings contributes to its significance as a heritage asset by highlighting its historic farmstead function.
26. Notwithstanding that broad connection, the proposal would make a positive change through the loss of buildings, particularly building 7, that do not relate well to the Farm House in terms of scale, design or materials. The retention

and conversion of the other buildings is neutral, given that those buildings would remain if the development did not go ahead. The functional relationship between the Farm House and the site would continue to be apparent because the agricultural, albeit utilitarian, scale and general form of the buildings would still be evident. The effect on the contribution made by the setting would therefore be neutral and the significance of the heritage asset and its setting would be protected. The proposal would therefore accord with policy SP1 of the CS and policy EN4 of the ADMP.

Ecology and biodiversity

27. The principal ecological constraints within the site are the possible presence of nesting birds, roosting bats, and reptiles, which are protected species. These matters were addressed in a preliminary ecological appraisal report and a bat survey and, following the Council's decision, in a supplementary ecological submission and a biodiversity net gain feasibility report. The remaining areas of disagreement are in respect of the proposed strategy for reptiles and whether adequate habitats would be retained or created. The Council considers it cannot be determined whether adequate habitats would be retained or created in the absence of a detailed landscaping plan.
28. It is proposed to displace reptiles from the site by means of habitat manipulation, rather than trapping and removing to a suitable receptor area. The appellant contends it was not necessary to carry out a survey to determine the presence of reptiles because, if such a survey had confirmed that reptiles were present, it would have recommended the proposed displacement. This is based on expert advice that potential reptile habitats account for less than half of the site, that the location and extent of the proposed ecology areas are comparable, and that reptiles are likely to be present in low numbers.
29. While the advice available to the Council questioned where the areas of retained reptile habitat would be, there is a strong correlation between the identified potential reptile habitats and the proposed ecology areas. Ecological advice provided to the appellant indicates that these areas would be likely to regain suitability for reptiles following completion of the development, achieving the same amount of potential reptile habitat.
30. In view of the broad comparability of existing and proposed areas suitable for reptiles, I have no reason to believe that a detailed landscaping scheme designed with ecology in mind could not achieve appropriate habitats. Therefore, while I understand the Council's concerns, an agreed landscaping, mitigation strategy and ecological enhancement conditions would allow reptile populations to be safeguarded. The proposal would thus avoid conflict with policy SP11 of the CS and be acceptable in this respect.

Affordable housing

31. The Council acknowledges that appropriate provision within the proposed development, or off-site, could be secured by means of a suitable planning obligation. An obligation made by agreement is intended to ensure that not less than 30% of the dwellings would be affordable housing, as defined by the Framework, or First Homes¹.

¹ As defined in the Written Ministerial Statement 'Affordable Homes Update', 24 May 2021.

32. The completed obligation is signed in counterpart, each with an identical clause to confirm that each counterpart is a duplicate original and that, together, they constitute one agreement. Accordingly, the proposal would secure affordable housing as required by policy SP3 of the CS and is acceptable in this respect.

Planning Balance and Conclusion

33. The proposal is not inappropriate development within the GB and is acceptable in terms of its effects on the heritage asset, ecology and biodiversity, and the provision of affordable housing. However, the distinctive character of the NL would not be conserved and enhanced, and the relevant development plan policies are consistent with the Framework in this respect. For this reason, and in view of the great weight to be given to conserving and enhancing landscape and scenic beauty in the NL, the proposal conflicts with the development plan as a whole.
34. It is agreed that the district had 2.89 years' supply of deliverable housing sites in August 2020 and that the situation has not improved since. Because the Council cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11d) of the Framework is engaged. In view of the degree of shortfall, I afford significant weight to the delivery of housing.
35. Paragraph 11d) creates a policy presumption in favour of granting planning permission for new housing, unless either of 2 exceptions applies. The first exception is if the application of the policies of the Framework that protect areas or assets of particular importance provides a clear reason for refusing permission. Footnote 7 to the Framework confirms that the NL is an area of particular importance in this context.
36. My assessment of the proposed development against the policies of the development plan for protecting the NL indicates that those policies provide a clear reason for refusing permission. The first exception to the presumption in favour of new housing therefore applies and it is not necessary to consider the second exception.
37. Avoidance of harm in terms of the significance of the heritage asset, ecology and biodiversity, and the provision of affordable housing are neutral factors in the planning balance. However, there is conflict with the policies of the development plan that aim to protect and enhance the character of the landscape of the NL. The adverse impacts of granting planning permission on that character would significantly and demonstrably outweigh the benefits of the 10 additional dwellings, and the significant weight to be afforded to that, when assessed against the policies in the development plan and the Framework taken as a whole.
38. In these circumstances, there are no relevant material considerations that indicate that my decision should be taken otherwise than in accordance with the development plan. For the reasons given above, I find that the proposal would conflict with the development plan read as a whole and I conclude that the appeal should be dismissed.

Mark Harbottle BSc MRTPI

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Garvey MTRPI	DHA Planning Limited
David Bedford MRTPI	DHA Planning Limited
Sara Davidson IHBC	HCUK Group
Stephen Wadsworth CMLI	Director, Briarwood Landscape Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Hayley Nixon	Senior Planning Officer, Sevenoaks District Council
Samantha Simmons	Senior Planning Officer, Sevenoaks District Council
Katie Miller	Planning Manager, Kent Downs AONB Unit
Lisa Cooper	Senior Conservation Officer, Sevenoaks District Council

INTERESTED PARTIES:

Elizabeth Bourne	Local resident
Wendy Tovey	Local resident