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Town and Country Planning Act 1990 (as amended)

**Outline Residential Proposals
with all matters reserved apart from access
for 50 units**

Sigma Strategic Land Ltd.

**Land south of Larches
Ashgrove Road
Sevenoaks
Kent TN13 1SX**

Application Ref: 22/02645/OUT

PLANNING OBJECTIONS

**On behalf of
The Ashgrove Area Residents Association
"The Association"**

11 November 2022

The Ashgrove Area Residents Association, referred to as 'the Association' within this objection submission is currently formed of around 74 households. The Association was established in October 2022 to address the proposals by Sigma Strategic Land Limited (the Applicants) in relation to application reference 22/02645/OUT.

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1.0 **EXECUTIVE SUMMARY**

- 1.1 The application site lies entirely within the designated Green Belt and the Kent Downs Area of Outstanding Natural Beauty (AONB). It is also adjacent to ancient woodland. It sits outside the urban confines of Sevenoaks, within an area recognised to be rural in character. It stands in an unsustainable location for residential development, is not previously developed land or land well served by public transport. Development should be focused within the defined settlement, as set out under Core Strategy (CS) Policy LO1.
- 1.2 The site is shown to fall within Parcel 40 of the Council's Green Belt Assessment 2017. This parcel of land is identified as performing strongly in the context of the five stated purposes of the Green Belt, set out under paragraph 138 of the National Planning Policy Framework (NPPF). The land forms part of an important barrier at the edge of the settlement to prevent the outward sprawl of development. There are no readily definable and durable barriers to its south to successfully contain the site which is of similar character to other fields forming part of this open landscape. It is also seen to provide an important function in protecting the openness of the countryside and safeguarding it from encroachment.
- 1.3 The proposals represent inappropriate development which by definition is harmful to the Green Belt. The Applicants have failed to demonstrate an acceptable case for 'very special circumstances' to justify this development in the Green Belt to outweigh the significant harm that will arise.
- 1.4 AONBs are nationally protected landscapes and the highest priority should be given to the conservation and enhancement of their landscape and scenic beauty as set out under NPPF paragraphs 176 and 177 and supported under CS Policy LO8 and Allocations and Development Management Plan (ADMP) Policy EN5. It is in the national interest to protect AONBs. The proposals represent 'major development' where planning permission should be refused unless it is demonstrated that exceptional circumstances exist and the development is in the public interest. The Association submits that the proposals neither represent exceptional circumstances nor is it in the public interest to grant planning permission.
- 1.5 The Association notes that the Development Plan in Sevenoaks (Core Strategy and Allocations and Development Management Plan) is out of date in respect of addressing the five-year housing land supply under CS Policies LO1 and LO8. Addressing the need for housing is accepted as a public interest. However, the 5-year housing supply position should be determined through the proper channels of the Local Plan process and not pre-empted by this

planning application, or others on land with similar constraints. In addressing the plan-making exercise, paragraph 11 (b) of the NPPF confirms that an AONB designation 'provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.' For decision-taking paragraph 11(d) goes on to require development to be approved which accords with an up-to-date plan or where policies are out of date unless 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.' The AONB is one such area requiring protection. Policy LO1 requires priority to be given to protecting the rural character of the District when other locations are under consideration; Policy LO8 states that the distinctive character of the Kent Downs AONB and their settings will be conserved and enhanced. The Association submits that harm will arise to the landscape character and qualities of the AONB. The development is accordingly submitted to be in conflict with policy and NPPF objectives and the presumption in favour of sustainable development should not therefore be applied.

- 1.6 Other relevant policies in the Core Strategy and Sevenoaks Allocations and Development Management, as set out in the Association's objections below, remain consistent with the policies of the NPPF. The Association has identified that this development conflicts with these policies and their objectives. Considerable weight should accordingly be attached to these policies in accordance with paragraph 219 of the NPPF.
- 1.7 There is very important and relevant planning history associated with the application site which the Applicants have failed to reference. The introduction of a vehicular access, as proposed, onto Ashgrove Road has already been fully assessed and rejected both by the Council in considering the expediency of issuing an enforcement notice and subsequently on appeal, against the terms of the enforcement notice, by an appointed Inspector. Such development was deemed to result in a '*significant disruption to the rural scene*' as well as give rise to highway safety concerns with traffic movements being dangerous along Ashgrove Road – see paragraphs 4.4 onwards below. The narrow, winding, unlit lanes, with vegetation and banks and no pavements provide a pleasant rural environment which should be protected. The Applicants' mitigation measures as proposed, which in any event are only limited, are contended by the Association to result in harm to the rural character of Ashgrove Road and the surrounding area. Furthermore, the former Inspector concluded that landscaping conditions would not address the identified issues. The access was therefore required to be removed and the land reinstated to its former condition. A similar vehicular access scheme, submitted to the Council in 2021, was also considered unacceptable and was proposed to be refused by the Council on highway matters and impact upon the character and appearance of the lane. The

application was accordingly withdrawn. No material changes have arisen to justify a different decision now being taken for the introduction of a vehicular access onto Ashgrove Road.

- 1.8 There is loss of outlook arising to local residents with the unacceptable incursion into this tranquil area which is occasionally used for grazing purposes, typically found in the countryside. The provision of 50 units immediately adjacent to existing residential dwellings will completely change the environment for these residents with associated traffic, noise and disturbance emanating from domestic activity and with potential overlooking. Light spillage associated with the development will also result in harm to residential amenities as well as the character of the area which benefits from a quality moderate dark sky in the vicinity of the application site. There is clear conflict arising with ADMP Policy EN2 accordingly which looks to the protection of residential amenities.
- 1.9 There are significant highway issues associated with the proposals as set out by the Association in separate highway objections. These highlight the lack of depth of highway details and criticise the timings of the Applicants' traffic surveys, the results of which are not accordingly considered to be an accurate representation of traffic conditions at peak times. Serious concerns are raised in relation to the anticipated intensification of use of the local highway network by the extra traffic associated with the development, and the lack of appropriate mitigation and highway improvements. Those which have been promoted by the Applicants are seen by the Association as ones which will fundamentally change the rural character of the area, to its detriment and are therefore highly inappropriate. Furthermore, the Association notes the contents of the pre-application consultation response from KCC Highways Officer when addressing the proposed residential development of the site, and who confirmed that the physical characteristics of the locality would be contrary to highway safety. Noting the unsustainable location, the development also fails to comply with the recommendations of the NPPF Section 9 relating to sustainable travel and gives rise to clear conflict with the objectives of ADMP Policy T1. Paragraph 111 of the NPPF identifies that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' The Association's highway objections identify the serious highway concerns and anticipated unacceptable impact on the rural road network and the wider area.
- 1.10 The Applicants' provision of new open space and net biodiversity gain are measures that should be included in a major development in any event and do not in themselves justify encroaching into this countryside area, designated as both Green Belt and an AONB where conservation and enhancement of the AONB is sought. Notwithstanding this, the Association submits that there

are biodiversity issues which have not been demonstrated by the Applicants to have been appropriately addressed. Local residents have highlighted the destruction of natural habitats for the sighted and potentially existing, protected species prevalent (Badgers, Bats and Great Crested Newts) and raised concern over the impact damage the proposed development will have on the ecosystems prevalent in the surrounding ancient woodlands, as well as damage that has historically taken place and anticipated likely to re-occur to hedgerow that has been classified as a hedgerow of Habitat of Principal Importance (HPI).

- 1.11 Similarly, in relation to affordable housing, the Applicants offer to increase the required 40% provision to 50% affordable housing, equating to an additional 5 affordable housing units. This is not regarded by the Association as representing a significant benefit. This view is supported by the Planning Policy Officer in the conclusions addressing the residential proposals in Brittain's Lane (see paragraph 6.3 below) where the increase of 7 affordable units (28 units at 40% and 35 units at 50%) was stated to be insignificant. Both sites lie within the same parcel 40 area of Green Belt and the Association relies on the importance of consistency of approach in the decision-making process in addressing this matter under planning policy considerations.
- 1.12 There is a detrimental impact arising on the setting of the designated heritage asset at Cross Keys Cottage and nearby locally listed buildings, Old Cross Keys and Fig Street House. The development conflicts with CS Policy SP1, ADMP Policy EN4 and the objectives set out under Chapters 12 and 16 of the NPPF which seek to conserve and enhance the historic environment and ensure development is 'sympathetic to local character and history, including the surrounding built environment and landscape setting.' The recognition of the historical setting of Ashgrove Road and its sunken lane characteristics is also set out within the AONB Unit's response which sets out concerns over the development spoiling this rural character, as also addressed in the Landscape Character Assessment of the Kent Downs.
- 1.13 The landscape and visual impact has also been assessed by the Association in comparison with the details set out by the Applicants. A separate Landscape Visual Impact Assessment has been prepared by professional landscape consultants, Petrow Harley on behalf of the Association. These consultants have identified that the landscape effects are judged to be 'Substantial Adverse'. The development is also judged to have 'Substantial Adverse' effect locally on the area just outside the AONB. The conclusion reached is that the development of the Green Belt site for housing in the AONB 'is highly inappropriate and would have a Substantial Adverse effect on both landscape character' and 'critically undermine the capacity of Parcel 40 to prevent

urban sprawl...¹ Furthermore, there is unacceptable destruction of key features of the area, namely bank and hedgerow features in Ashgrove Road.

- 1.14 There is no justification to release Green Belt sites without the Council having undertaken a full assessment of the most sustainably located sites and all other reasonable options have been examined fully as required under paragraphs 140 and 141 of the NPPF. Even following this assessment, this unsustainably located site is deemed by the Association to be one that is wholly inappropriate to release for residential development in the light of its significant constraints, as outlined below and within the separate objection submissions.
- 1.15 The Association has highlighted many serious planning failures of the scheme which give rise to extensive adverse impact. It is noted that to date around 400 objections have been submitted to the Council from local residents. In addressing the planning balance, the Association contends that the significant harm that has been identified is not outweighed by the very limited very special circumstances that have been promoted by the Applicants to justify the development, when assessed against all the policies of the NPPF, as relevant.
- 1.16 Noteworthy planning and highway objections have been raised in the context of relevant planning policy as set out within the Development Plan and the NPPF. Supplementary Planning Documents also support the contentions raised by the Association, as detailed below. Accordingly, for all these reasons, the Association robustly opposes this development and respectfully submits that these outline proposals to develop the site with 50 units and 109 parking spaces with access off Ashgrove Road should be out rightly rejected and planning permission refused.

¹ Paragraph 6.7 LVIA Petrow Harley

2.0 **INTRODUCTION**

- 2.1 We act on behalf of the Ashgrove Area Residents Association referred to as 'the Association' within this objection submission. The Association, currently formed by around 74 households was established in October 2022 in response to the proposals by Sigma Strategic Land Limited (the Applicants) on the site referenced 'land south of Larches, Ashgrove Road, Sevenoaks, TN13 1SX' and in respect of proposals seeking outline planning permission for 50 dwellings including 50% affordable housing, with all matters reserved, apart from access.
- 2.2 Our clients have considered the proposals submitted by the Applicants under application reference 22/02645/OUT. The application site lies within the Green Belt and a designated Area of Outstanding Natural Beauty. Whilst in outline form, the proposals show an indicative layout of development comprising 50 dwellings within a total mix of 10 x 1-bedroom maisonettes, 2 x 2-bedroom bungalows, 13 x 2-bedroom dwellings, 18 x 3-bedroom dwellings, 5 x 4-bedroom dwellings and 2 x 5-bedroom dwellings within a stated density of approximately 21 dph. In addition, 109 car parking spaces are proposed, with cycle spaces and the inclusion of ECV spaces. The proposals look to introduce an open space local play area for the benefit of the future residents and landscape enhancements.
- 2.3 The site currently has no vehicular access off the public highway. The Applicants propose a new vehicular access off Ashgrove Road at a width suitable to accommodate visibility splays and with additional pedestrian and cycle accesses to the north and south, providing connectivity with Oak Lane and Ashgrove Road.
- 2.4 The application submissions indicate that engagement has been undertaken with local residents. Whilst some residents received a notice of the proposed development, the submitted document contained incorrect links for residents to view the proposals and submit comments. The consultation was also undertaken during August in a prime holiday period when many residents were away. It is therefore understandable why only a very limited number of local resident comments were received by the Applicants at that time, following late rectification of the link issues. A further letter has now been sent out by the Applicants to local residents, during the October half term week and again when many residents are away. Our clients accordingly submit that the Applicants have failed to properly and appropriately engage with the local community, particularly with the many local residents in the neighbourhood who are most likely to be impacted by these proposals.

- 2.5 The application is accompanied by a number of reports and assessments in support of the proposals. These have been reviewed by the Association. Having assessed the proposals, the Association raises very serious concerns in relation to the proposed development. We have accordingly been instructed to highlight the planning objections for consideration in the determination process.
- 2.6 This statement accordingly sets out the planning objections on behalf of the Association, with specific emphasis on the Green Belt issues. Other significant objections raised against the development are set out within separate documentation from Marius Le Roux, C Eng, MCHIT, B.ING addressing highway safety, access and traffic intensification considerations and Petrow Harley Limited relating to landscape visual impact assessment in the context of the site's Kent Downs Area of Outstanding Natural Beauty (AONB) designation and proximity to ancient woodland.
- 2.7 As well as the site lying within the Metropolitan Green Belt, the whole of the site and land to its south and beyond, falls within the AONB. Ancient woodland sits to its south east. There are also two listed cottages in the immediate vicinity, namely Cross Keys Cottages at the junction with Ashgrove Road and Oak Lane and two locally listed buildings, namely Fig Street House which is discreetly set back from Oak Lane to the south west of the site within a very small area of sporadic development in the countryside, and Old Cross Keys which stands on the other side of the bridleway in Ashgrove Road.

3.0 **THE APPLICANTS' PROPOSALS**

- 3.1 In addressing the Green Belt, the Association submits that the development is 'inappropriate development' as set out under paragraph 149 of the National Planning Policy Framework (NPPF). The proposals do not meet any of the 'exceptions' criteria outlined under this paragraph, nor the 'certain other forms of development' as set out under paragraph 150 of the NPPF.
- 3.2 The Applicants will therefore need to justify the development on the grounds of 'very special circumstances.' Paragraph 148 of the NPPF states 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.*"

3.3 The Applicants' Planning Statement seeks to rely on 'very special circumstances' which are promoted as ones that outweigh any harm to the Green Belt. These are stated to be:

- The lack of a 5-year housing land supply
- The shortage of affordable housing in the District
- The benefits to green infrastructure arising from the development
- The enhanced Biodiversity Net Gain arising from the development
- The improvements to sustainable transport and connectivity arising from the development
- The provision of open space arising from the development

3.4 The Applicants set out a number of material considerations to support the proposals which interlink with the very special circumstances. These relate to:

- The commitment to short term housing delivery
- The housing land supply position
- The provision of affordable housing which exceeds Core Strategy Policy SP3
- The accepted need for Green Belt sites to be released
- The out of date Planning Framework relating to housing supply, affordable housing and open space.
- Biodiversity enhancements.
- Highways – on and off-site improvements to sustainable transport and connectivity
- Open space deficits.

3.5 Following detailed consideration of the Applicants' submissions, the Association contends that significant harm is found, as set out below and as contained within separate documentation as referenced above. Local residents have also highlighted other objections. As a result, the Association submits that the Applicants have failed to present a robust case for very special circumstances and, as a consequence, the identified harm to the Green Belt has not been clearly outweighed by other considerations.

4.0 **SITE DESCRIPTION AND RELEVANT BACKGROUND HISTORY**

- 4.1 The site forms part of a large swathe of undulating open pasture land located in the rural area and approximately 1.75 miles to the south west of Sevenoaks town centre. It measures approximately 2.3 ha. Sitting outside the urban confines, its eastern boundary borders Ashgrove Road and its western boundary to Oak Lane, protected by high banks, trees, hedges and other vegetation. The southern boundary extends into other fields, all of which form part of the local countryside and which lead to an area of Ancient Woodland. There is a small enclave of residential development to the north of the site and sporadic residential development to the south off Oak Lane. The site has no vehicular access off the public highway, relying on access via the open fields to the south east off Silly Charlies Lane, which is a public bridleway (no.0221/SR2171/1).



Figure 1 current access to application site from southern field off Silly Charlies Lane bridleway/footpath

- 4.2 Ashgrove Road and Oak Lane are both rural in character, lined by trees and hedges set within high banks. In the vicinity of the application site, they are of particularly narrow width, with bends and lacking pavements and street lighting. These roads form part of a network of minor roads which serve nearby residential streets and local schools including West Heath to the south east, The New Beacon to the north west and Sevenoaks School and associated boarding houses which are located at the other end of Oak Lane to the north east. The two roads meet at the junction known as Cross Keys with Brittain's Lane to the north which runs between Oak Lane and London Road.



**Figure 2 View looking north up
Ashgrove Road - application site on left
hand side**



**Figure 3 View looking south down
Ashgrove Road from the bridleway/public
footpath**

- 4.3 The site sits entirely within the Metropolitan Green Belt which runs along the western boundary of Brittain's Lane and Ashgrove Road, save for a small enclave of residential properties which stand on the northern end of Ashgrove Road and on its corner with Oak Lane, around the Cross Keys junction where the Green Belt boundary runs behind these residential curtilages. The eastern side of Ashgrove Road falls within the defined built confines of Sevenoaks and is characterised by large dwellings standing in spacious plots. Ashgrove Road leads to other residential roads of similar character to the south east, including Hopgarden Lane. Higher density development is found to the north on the other side of Brittain's Lane in the vicinity of Cross Keys, within the settlement confines. The New Beacon School stands within the Green Belt on the west side of Brittain's Lane, to north of Oak Lane.
- 4.4 The land has been used occasionally for the purposes of grazing in association with other land in different ownership to its south. Reference is made to an appeal decision letter² dated 19/01/2006 in relation to an appeal against an enforcement notice issued by Sevenoaks Council under reference 310/05/84 and dated 28th June 2005. The identified breach of planning control stated 'without planning permission, the carrying out of engineering operations, namely the removal of an earth bank and hedgerow to create a means of access to the highway.' It is understood that the vehicular access introduced at that time is in a similar location to that now

² Appeal decision reference APP/G2245/C/05/2003206,7 and 8 dated 19 January 2006 relating to Land on west side of Ashgrove Road and adjoining *Larches*, Sevenoaks, TN13 1SX

being promoted by the Applicants to serve the proposed development of 50 units. In dismissing the appeal and addressing the characteristics of Ashgrove Road, the appointed Inspector stated in the decision notice:

"There are mature hedgerows bordering the road, including the boundary of the appeal site where the hedge is augmented by an earth bank. The appeal site itself is pasture land that gives the area an attractive rural character." (paragraph 7)

"At my site inspection I saw that the new access and associated works are extensive and create a large gap in the present attractive roadside hedge. The result is a significant disruption to the rural scene."

4.5 In determining highway safety the Inspector went on to conclude:

"In my judgement despite the removal of such a long stretch of hedge and bank with the gate set well back, traffic movements at that point would be dangerous. The road is very narrow as well as winding and, from my observations, carries regular traffic. The absence of a grass verge adds to these highway dangers. I do not consider that landscaping conditions would overcome the visual harm, nor do I consider that the provision of fencing and sight lines, as suggested by the council, would adequately lessen the highway dangers."

Even appropriate re-planting mitigation measures and not setting the gate as far back were deemed insufficient by the Inspector to address the identified harm.

4.6 The requirements of the Enforcement Notice, as supported by the Inspector, stated:

"Fill in the unauthorised access by re-instating the earth bank with soil to a level matching the contour of the original bank remaining at either side of the access" and

"Fill in the gap in the hedgerow by planting a replacement hedgerow to comprise a mix of hawthorn, ash, elder, beech, hazel and wild rose as identified in the hedgerow at either side of the access. A minimum of 40-60 transplants are to be used with spacing between centres of 30 centimetres."

The new planting was required to be maintained. The purpose of the requirements was to reinstate the hedge and bank to its former rural state, following the '*significant disruption*' that had taken place.

- 4.7 The Association notes that the Applicants have not made any reference to this appeal decision letter which is considered to be disingenuous. The Association submits that the claim made by the Applicants to "*minimise (in so far as possible) the impact on the sunken lane characteristics of Ashgrove Road through the careful placement of the Site entrance at a location where the banking is lower...*"³ should be read in the context of the fact that this part of Ashgrove Road has already been damaged in the past through development deemed unacceptable and addressed by way of enforcement proceedings and indeed the requirement for its reinstatement to match the contours of the original bank. It is unfortunate that the land has not been made up to its original levels and the replanting not properly maintained. This has resulted in poor quality vegetation and the formulation of an informal passing point which continuously wears the embankment and undermines the planting, some of which residents have noted have now been lost due to root damage. The Association submits that the landowners should rectify this as sought under the terms of the enforcement notice.
- 4.8 Attention is also drawn to application reference 21/01814/FUL relating to the formation of a new agricultural field vehicle access and new gate. This application was withdrawn as '*the application was due to be recommended for refusal by the case officer on highway matters and impact upon character and appearance of the land therefore the agent decided to withdraw the application.*'⁴
- 4.9 The Association submits that these matters form very material planning considerations in the determination of the current proposals and contends that there have been no material changes in circumstances to justify an alternative decision now being taken in providing a vehicular access off Ashgrove Road in the location proposed to serve the site. The provision of such an access would continue to give rise to highway dangers, as well as serious harm by way of '*significant disruption*' to the rural character of this road. These views, held formerly by the Council and Inspector, are also supported by the Association's detailed highway and visual landscape objections set out under cover of separate objection submissions.
- 4.10 Photographs of the rural character of Ashgrove Road are set out below

³ LDA Design Statement page 48

⁴ FOI Request response from the Council



Figure 4 Junction of Hopgarden Lane and Ashgrove Road looking north up Ashgrove Road - note winding and narrow nature of the highway, no pavements on Ashgrove Road, or street lighting.



Figure 5 narrow width of road by proposed vehicular access in Ashgrove Road - note wearing of tarmac and loss of vegetation cover.



Figure 6 looking north up Ashgrove Road - note brow of hill, steep embankment and tree lined making up its rural character

5.0 THE DEVELOPMENT PLAN

- 5.1 The Section 38 (6) of the Planning and Compulsory Purchase Act 2014 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. In respect of this application, the Development Plan comprises the Sevenoaks Core Strategy 2011 and the Sevenoaks Allocations and Development Management Plan 2015. The contents of the National Planning Policy Framework 2021 (NPPF) are also of direct relevance. There are a number of Supplementary Planning Documents including Development in the Green Belt SPD, the Kent Downs AONB Management Plan and the Residential Character Area Assessment SPD of relevance in the determination of these proposals.
- 5.2 The Applicants place reliance on the fact that the Development Plan is out of date and with a lack of a 5-year supply of housing land and shortage of affordable housing, the weight afforded to the provision and delivery of both market and affordable dwellings from the development of the application site should be seen to be significant to justify the development.

- 5.3 The Association acknowledges paragraph 11 of the NPPF sets out 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. 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:

'i. the 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

ii. 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 addresses a number of designations, which includes land designated as Green Belt and Areas of Outstanding Natural Beauty. The Association recognises that the Council does not have an up to date Local Plan in relation to housing provision in terms of the NPPF requirements and cannot demonstrate a 5-year housing supply. As the Council is classed as a presumption authority under the Housing Delivery Test, under paragraph 11 of the NPPF there is therefore a potential for the tilted balance to be applied. However, as referenced above, footnote 7 of paragraph 11 refers to sites in the Green Belt and AONB and as the development will result in significant harm, as highlighted in the Association's objections, the tilted balance is submitted to be not engaged.

5.4 **Green Belt and Area of Outstanding Natural Beauty Considerations:**

The Association submits that the residential development of this application site, the subject of Green Belt and AONB designations, is directly contrary to the provisions of the NPPF, and gives rise to policy conflict. There are accordingly clear reasons for refusing the proposals.

National Planning Policy Framework:

- 5.5 Chapter 13 addresses Green Belt land. Paragraph 137 states that the Government attaches great importance to Green Belts. *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'*
- 5.6 Paragraph 138 sets out the five stated purposes of the Green Belt. These include:

'a) to check the unrestricted sprawl of large built-up areas;' and

'c) to assist in safeguarding the countryside from encroachment.'

- 5.7 Paragraphs 140 and 141 confirm that once Green Belt boundaries are established, they *'should be altered only where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.'* However, *'before concluding that exceptional circumstances exist to justify changes to the Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.'*
- 5.8 Paragraph 142 goes on to highlight the requirement to take account of *'the need to promote sustainable patterns of development.... Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.'*
- 5.9 The construction of new buildings is to be regarded as *'inappropriate development'* in the Green Belt unless such development falls within stated criteria set out under paragraph 149. The application proposals do not fall within any of the stated criteria. Paragraphs 147 and 148 therefore apply, namely that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given 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, or any other harm resulting from the proposal, is clearly outweighed by other considerations."*
- 5.10 Paragraph 176 goes on to require *'great weight'* to be given *'to conserving and enhancing landscape and scenic beauty in.... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'* The scale and extent of development in the AONB is required to be limited. Paragraph 177 states that planning permission for major development in the AONB should be refused, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The definition of *'major development'* is stated to be *'a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'* When considering such applications, assessments should include whether there is a *'need for development... the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.' It is noted from the Kent Downs AONB Unit response dated 24th October 2022 that the Unit considers this development to represent 'major development.' The AONB Unit also considers that the Applicant's proposal 'neither represents exceptional circumstances nor is in the public interest' and both tests need to be met. The Association strongly concurs with the views set out in the AONB Unit's consultation response which, together with the Association's Landscape Visual Impact Assessment, set out very comprehensive reasons why the development fails to conserve or enhance the landscape and scenic beauty of the AONB and is therefore in conflict with planning policy.

- 5.11 Comment in respect of the aforementioned NPPF policy objectives are set out below in the context of relevant policies of the Development Plan.

Sevenoaks Core Strategy (CS):

- 5.12 Policy LO1 – Distribution of Development – development is to be focused within the built confines of existing settlements. The application site falls outside the Sevenoaks urban area. The policy goes on to state:

'... in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt and the High Weald and Kent Downs Areas of Outstanding Natural Beauty, where relevant...'

The development of 50 new residential units with associated roads, vehicular, cycle and pedestrian accesses and the inevitable domestic paraphernalia over the open pastureland fails to respond both to the fundamental aim of Green Belt policy as set out under the NPPF which looks 'to prevent urban sprawl by keeping land permanently open' as well as protecting this local environment which has been assessed as having significance as an Area of Outstanding Natural Beauty. There is a lack of robust exceptional circumstances and no evidence that all other land in the District without such designations has been fully considered and ruled out to meet any identified housing need.

- 5.13 Policy LO8 – The Countryside and the Rural Economy – the policy states that the extent of the Green Belt will be maintained.

The Applicants reliance on the lack of a five-year housing supply to justify releasing this Green Belt land for residential development is ill conceived. The District's Green Belt is recognised as 'strongly performing' against the five stated purposes of Green Belt designations and this area of Green Belt is similarly identified as one that is 'strong' in the context of the Green Belt purposes. It is noted that the Council is currently working on a new Local Plan and a new SHELAA to identify future land supply and the Applicants indicate that the site has been promoted under the new SHELAA. However, it is understood that the site was not presented as part of the consideration of the 2018 SHELAA site assessment. Nevertheless, two other sites in very close proximity to the application site were promoted at that time. Both of these were identified as being unsuitable for development, namely:

Ref. HO117 – land east of Ashgrove Farm, Ashgrove Road – this site is located to the south east of the application site on the other side of the bridleway/Silly Charlies Lane. It is formed of ancient woodland and is the subject of Green Belt and AONB designations. The Green Belt designation is referenced as 'strong'. The site was assessed as being undeliverable for housing development for 6 units given its ecological value and the impact on the AONB.

Ref. HO140 – land south of Five Wents, Oak Lane, - this site stands immediately opposite/west of the application site, on the other side of Oak Lane and is used for grazing. The land was promoted for 64 units on 6.44 ha. The site was identified as requiring a new access with the conclusion that *'... this is a narrow rural road and not considered suitable for the scale of development.'* The site was accordingly assessed as being *'unsuitable for development given the impact on the AONB, the capacity of the highway network and encroachment into the countryside.'* Ashgrove Road is even narrower than Oak Lane at the proposed access point which the Association has measured as being approximately 3.7m wide tarmac edge to edge and 4.2m wide where cars have worn away the embankment and planting as referenced in paragraph 4.7 above.

The Association submits that similar conclusions reached in respect of these two proposals can be found in respect of the application site which sits between these sites, adjacent to ancient woodland and having similar highway, Green Belt and landscape constraints. All these factors render it highly unsuitable for development, inappropriately encroaching into the countryside and significantly harming the character of this rural area.

- 5.14 The Council's Green Belt Assessment⁵, professionally undertaken in 2017, assesses the Sevenoaks Green Belt against the five purposes of the Green Belt, as defined under the NPPF. The site is shown to fall under parcel 40. It scores 3+ on a scale of 0-5 in being seen to prevent the outward sprawl of a large built up area into open land and serve as a barrier at the edge of a large built up area in the absence of another durable boundary, thereby meeting the terms of purpose 1 of the Green Belt as set out under paragraph 138 of the NPPF '*to check the unrestricted sprawl of large built-up areas.*' It is also identified as scoring 4 in its function as protecting the openness of the countryside and is least covered by development, thereby according with stated purpose 3, namely '*to assist in safeguarding the countryside from encroachment.*' Its overall summary score is categorised as 'strong' being the highest summary score out of the three categories, 'weak', 'moderate' and 'strong'.
- 5.15 In addressing the Applicants' claim that there is a recognition for release of Green Belt land, the Association submits that such a conclusion is premature. National policy seeks maximum protection of the Green Belt. As referenced above, paragraph 140 of the NPPF states that '*once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.*' This is a process that is currently being undertaken by the Council and it is contended that exceptional circumstances have not been demonstrated.
- 5.16 Notwithstanding this point, it is evident from the Assessment that if adjustments to the Green Belt boundary are to be made in due course, the Initial Recommendations set out under paragraph 5.2 state that there are other parcels of land which have been shown to score weakly overall against all the NPPF purposes, as set out under category 1 of the Assessment, and these could be considered. Category 2 goes on to address whole parcels, which have a medium or strong score, which '*have particular characteristics in their own right or synergies with neighbouring weaker parcels*' which are also stated '*might lend themselves to further consideration*'. Category 3 land similarly addresses medium or strongly scoring parcels '*where there is considered to be clear scope for sub-division to identify weakly performing sub-areas, including the presence of boundary features, which have the potential to be permanent and readily recognisable*' and these could also be afforded further consideration. Green Belt parcel 40 in which the application site falls is not, however, identified as an area recommended for further consideration.

⁵ Ove Arup and Partners LLP Green Belt Assessment Report: Methodology and Assessment January 2017

- 5.17 As part of the ongoing development of the Local Plan, boundaries should be kept under review. Whilst weaker areas have been identified, the Assessment recommends that *'where further consideration is afforded to possible removal of land from the Green Belt, it is suggested that the identification of suitable new Green Belt boundaries is deferred to a later point in the formulation of the Local Plan so as not to preclude the consideration of different or smaller areas to those identified by this assessment.'* The Assessment goes on to recommend the adoption of a number of principles in the reconsideration of boundaries which includes ensuring boundaries are based on man-made or natural physical features where there is a strong likelihood of permanence and that they are readily recognisable, ideally both on plan and visually on the ground. In addition, the document states *'In identifying new Green Belt boundaries, consideration should be given to the visual impact of a potential release on the wider Green Belt and, where appropriate, suitable mitigation identified to limit this impact...'*
- 5.18 The application site forms part of a larger swathe of open land that extends to its south. The Applicants state their intention to introduce new vegetation to define the southern boundary of the site so as to contain it by effectively replacing vegetation stated to have been formerly removed. However, this in itself demonstrates weakness in terms of lack of permanency and would take a substantial number of years to form any quality physical barrier. It also requires unnecessary and unacceptable intervention in an otherwise open landscape setting. This suggested mitigation measure is considered likely to destroy the openness of the area as valued by those living in and visiting the area, giving rise to detriment to outlook, particularly by local residents and others using the public bridleway where the rural and open character of the environment can be appreciated. There is already a clearly defined boundary running along Brittain's Lane and the majority of Ashgrove Road which readily identifies the built confines to the east from the open countryside to the west. Accordingly, the Association submits that the introduction of any residential development over the application site will result in significant harm through inappropriate incursion into the countryside. The resultant development and associated risks of additional development encroaching even further to its south would represent unrestricted sprawl. Such a highly inappropriate extension of the built-up area is submitted by the Association to be clearly contrary to the stated purposes of the Green Belt as highlighted above and the specific objectives of Core Strategy Policy LO8 which look to the extent of the Green Belt being maintained.
- 5.19. Policy LO8 also looks to the conservation and enhancement of the distinctive character of the Kent Downs AONB and its setting. The special character of the countryside landscape and its biodiversity are also required to be protected and enhanced, where possible. As part of this assessment, reference is made to the national Planning Policy Guidance (PPG) which highlights

that Management Plans are a material consideration in the determination of applications. In this respect, the adopted Kent Downs AONB Management Plan 2021-2026 sets out a number of principles of direct relevance to these proposals which are referenced below under paragraph 5.37. The Association recognises the need for a planning judgment to be made in relation to the proposals in relation to impact on the AONB. However, in weighing up the material considerations of this major development, it is necessary to refuse planning permission, unless the local planning authority is satisfied that there are both exceptional circumstances and the development is in the public interest in accordance with paragraph 177 of the NPPF. These are not considered by the Association to have been demonstrated by the Applicant as clearly outlined in the AONB Unit's detailed objection response.

Sevenoaks Allocations and Development Management Plan (ADMP):

- 5.20 Policy GB10 looks to the maintenance of the Green Belt boundary, save for a small number of identified small-scale adjustments. The appeal site does not fall within any of these exceptions.
- 5.21 Policy EN5 addresses the landscape and looks to the protection of the AONB and its setting. This includes areas of tranquility which forms part of the character of certain parts of the landscape.
- 5.22 The site falls within Landscape Character Area 10b 'Sevenoaks Western Chart' as shown on the Sevenoaks Landscape Character Assessment Key Map January 2017. The associated Landscape Character Assessment identifies this as a rural area entirely within the Kent Downs AONB. It is stated that '*this area has a unified and intact pattern of woodland and pasture which is in variable, but generally good, condition.*' Under the Landscape Guidance a number of local objectives to conserve and enhance the landscape character are outlined. These include to '*conserve the enclosed, narrow lanes and plan for the next generation of hedgerow trees along roads*' and '*conserve the tranquility and rural character of the landscape.*'⁶
- 5.23 In the landscape issues summary, the Landscape Character Assessment recognises that the most obvious challenge to existing landscape character on fringe landscapes is the pressure for new development. It is noted that '*new development on the fringe of an existing urban area often introduces an incongruous or harsh urban edge into the adjacent landscape and can introduce suburban features (such as suburban style boundaries to the rural landscape),*

⁶ Sevenoaks Landscape Character Assessment pages 103 and 104

*introduce lighting into previously unlit areas, or affect the settings of historic settlements or buildings/loss of historic features...*⁷ The application proposals in fact relate to a site beyond the fringe of the settlement confines, with a distinctive rural character in comparison with land to its north east on the other side of Ashgrove Road which acts as a successful edge to the defined urban environment, with low density dwellings sitting in spacious plots which avoid detrimental impact on the countryside beyond. Accordingly, in the opinion of the Association, the introduction of built form over this exposed land will result in a disastrous change to the rural landscape character giving rise to significant harm.

- 5.24 This view is supported in the LCA document which goes on to acknowledge a landscape issue with *'the loss of distinctive features along rural roads'*, stating that *'narrow verge-less roads, such as those which are characterised in the Downs, are vulnerable to widening or experiencing an excessive number of vehicles, causing damage to chalk banks, and hedgerows. On other country lanes verges are vulnerable to erosion. As roads approach urban edges, they often lose distinctive qualities and suffer abrupt transitions from the rural to the urban landscape. These areas need to embrace both highway standards whilst maintaining distinctive features appropriate to the area.'*⁸ The road network in the vicinity of the site changes from one of more urban character with footpaths and street lighting, as noted in the residential streets e.g. Hopgarden Lane, Grassy Lane, Brittain's Lane and north eastern end of Oak Lane (closest to the town centre) to more typical rural lanes as they lead into the countryside. These include Ashgrove Road and Oak Lane in the vicinity of the site, bordering two of its boundaries which are narrow, winding lanes, without footpaths or street lighting and with banks and hedgerows. These are all recognised features which make up an important part of the rural character and attractiveness of this area and which should be protected. These views are supported in the AONB Unit's response, as referenced above, which states:

"The AONB Unit is further concerned with the harm that would arise as a result of the proposed access into the site, from Ashgrove Road. The proposal would result in a change in character of this historic sunken lane, or 'holloway', punching through the existing characteristic bank and hedgerow with the formation of a wide, engineered bell mouth access with resultant loss of rural character. A main issue identified in the Historic and Cultural Section of the Management Plan is the reinforcement of the special historic landscape character and the local distinctiveness of ancient routeways through the statutory planning process. Furthermore, the narrow and sunken nature of historic lands in this particular part of the Kent Downs is

⁷ Sevenoaks Landscape Character Assessment para. 4.3

⁸ Sevenoaks Landscape Character Assessment paragraphs 4.13 and 4.14.

specifically identified in the Landscape Character Assessment of the Kent Downs... with the inclusion of a landscape management recommendation that their characteristics are conserved. In addition to the above issues, it will be important for the impacts of any increased traffic on the surrounding rural lanes as a result of the development to be assessed."

- 5.25 Leaving aside the highway safety issues which are addressed by the Association in separate documentation, the Applicants seek to introduce changes to Ashgrove Road through the removal of hedgerows, trees and banking, justifying the entrance as providing a helpful passing point for other motorists to use, despite the anticipated conflict of use with its intense activity as the only vehicular entrance/exit point serving the proposed 50 dwellings. The destruction of these highly valued features has already been carefully assessed by the Council when considering the expediency of initiating enforcement proceedings for a new entrance that had been unlawfully introduced in 2005 in the same location as now proposed (as referenced above). The development was assessed as being wholly unacceptable both in rural landscape and highway terms. These views were reinforced by the Inspector handling the appeal where, as referenced above, it was identified that significant disruption to the rural scene had taken place. This identified harm was required to be rectified by the reinstatement of the bank to its original contours and reinstated vegetation features. Furthermore, harm to the rural area and adverse highway impact were recognised by the Council in 2021 when assessing the merits of an application for a new access. The application was subsequently withdrawn as a result of the issues identified. The Association submits therefore that the already acknowledged harm to the rural area significantly and demonstrably outweighs any benefits arising from providing market and affordable housing over this site as promoted by the Applicants as representing very special circumstances.
- 5.26 The Council's Landscape Sensitivity Assessment May 2017 identifies the site as falling within category S3 Sevenoaks south-west. The area is stated to have *'many scattered large houses in woodland beyond the settlement edge with a rural character, which increase sensitivity to dense development in these areas.'* The document goes on to recognise the well vegetated edge to Sevenoaks which separates the settlement from the wider landscape. Its perceptual qualities are identified as being *'a highly rural landscape with moderately dark skies and a high scenic value which indicate a higher sensitivity to built development...'* The evaluation concludes that *'the highly rural character, high scenic value and presence of historic landscape features including woodland, historic fields (including assarts) and commons increase sensitivity to **medium-high** overall for housing development.'* The document also notes the area forms part of the Kent Downs AONB with several ancient woodlands. Areas closer to the existing modern settlement edge and well enclosed by trees would have a slightly lower sensitivity.

- 5.27 The Association submits that the open land bordered with high banks and quality vegetation, are all features forming part of the countryside, in association with the neighbouring fields which connect with each other without readily definable boundaries. This area of land also adjoins ancient woodland. The introduction of domestic activity, including the requirement for lighting across the site, however sensitively introduced, will inevitably impact on the ancient woodland, wildlife and irreparably damage the local rural environment which benefits from moderately dark skies. Further comment in respect of the visual landscape impact is contained in the Association's Landscape Visual Impact Assessment undertaken by Petrow Harley Limited and which demonstrates that the proposals fail to conserve the countryside, giving rise to further policy conflict.
- 5.28 In the light of the above, the Association accordingly contends that there is very clear conflict with CS Policies LO1 and LO8 and ADMP Policy EN5, as reinforced under the NPPF 2021 which looks to the protection of the Green Belt, the rural character and the conservation and enhancement of the AONB.

Draft Public Consultation - Emerging Sevenoaks District Local Plan:

- 5.29 The Association is aware that a new SHELAA is under preparation to identify a future supply of land which is suitable, available and achievable for housing and other uses over the plan period to 2040. It is understood the Applicants have promoted the site under this procedure and it would be inappropriate to make any early release of land without demonstrating that all other reasonable options have been examined fully. Notwithstanding this point, the Association has referenced other neighbouring sites with similar constraints which have already been rejected as land suitable for residential development. There have been no material changes to the physical characteristics or landscape quality of these sites. In the light of the above objections and those as set out within the Association's separate documents addressing highway safety, traffic congestion, landscape visual impact and ecological impacts, the Association therefore submits that it would be wholly inappropriate to identify the application site as suitable for future residential development.
- 5.30 Policy ST1⁹ of the proposed draft public consultation document states that the overarching strategic development strategy for the District focuses on a number of priorities. These include that *"development should be focused within the boundaries of existing settlements, including*

⁹ Page 17 of the draft public consultation Appendix 1.

building at higher density and optimising the use of previously developed 'brownfield land.' There will be a particular focus on sites that are close to services and facilities and/or well-connected by public transport, walking and cycling...' The policy goes on to state that 'we will promote sustainable patterns of development by amending Green Belt boundaries only in 'exceptional circumstances,' where there is a clear need, where sites have good access to services and facilities and their release has limited impact on the purposes of the Green Belt.'

The Association recognises that only limited weight can be attached to emerging policies at this stage, but the objectives set out therein which give priority to focusing development within settlement boundaries and on previously developed land are submitted to be very important, in association with awaiting the outcome of any Green Belt review which has not as yet been published. In any event, the Association robustly submits that development of the site, in an area which has been recognised as having a strong performance Green Belt function is wholly inappropriate, notwithstanding all the other material planning issues arising from the introduction of residential development relating to significant adverse impact on the countryside and the rural lanes.

5.31 This development represents inappropriate development in the Green Belt which is by definition harmful. The Association has identified clear conflict with Green Belt policy, being contrary to CS Policies LO1 and LO8 and ADMP Policy EN5, as well as the objectives set out within the NPPF as highlighted above. The Applicants have however promoted a case of very special circumstances and this is addressed by the Association below under section 6, in the context of the above referenced objections.

5.32 **Other relevant planning policy and other Supplementary Planning Documents:**

There are a number of other policies against which the development is considered to conflict, namely:

- CS Policy SP1 relating to design of new development and conservation. Whilst it is recognised that the scheme has been submitted in outline form with all matters reserved apart from access, the objectives set out under this policy still need to be met. These include requiring development to be accommodated without damaging features that contribute to the quality of this rural area and responding to the distinctive local character of the area in which it is situated. As referenced above, the removal of hedging and banking in Ashgrove Road is deemed wholly unacceptable and fails to respond to the distinctive rural character of the lane. This relates both to the new vehicular access

as well as the proposed 2m wide pedestrian access off Ashgrove Road which is proposed to step up into the site by approx. 2.25m and with a further stepped 1.5m wide footpath leading into the bell mouth of the bridleway to the south, where it is noted the site levels are approximately 8m lower. There is accordingly substantial incursion into the site. Introducing built form over the land which also involves extensive areas of hardstanding for roads, parking and turning areas will completely change the character of the land with its current pleasing visual qualities enjoyed by so many within the public realm.

- ADMP Policy EN1 looks to high quality designed development which, inter alia, would not result in the loss of open spaces or green infrastructure that would have an unacceptable impact on the character of the area and which ensures satisfactory means of access for vehicles and pedestrians.
- ADMP Policy EN2 addresses amenity protection which includes ensuring development does not result in significant harmful effects to surrounding uses. In the opinion of the Association, the change in use of the site from one of a pleasant open aspect to an intensely developed site with associated activities will give rise to significant harm to adjoining local residents with severe visual intrusion and overlooking arising between existing and proposed developments.
- ADMP Policy EN6 relating to outdoor lighting. In noting the outline status of the application, the Applicants have indicated low intensity lighting. However, the Association submits that the introduction of any lighting over the site is unacceptable and harmful, having both adverse visual and ecological impact, noting the proximity of the ancient woodland as well as giving rise to detriment to residential amenities. Further comment on the lighting impact is set out under the Association's Landscape Visual Impact Assessment.
- ADMP Policy T1 – mitigating travel impact. New development is required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. The Association's separate highway objections address these issues. The Association notes the limited mitigation measures being offered by the Applicants in seeking to overcome highway issues formerly raised by KCC. The narrowness of Ashgrove Road and its lack of pavements and lighting is not conducive to serving a major new residential development. Furthermore, the proposed traffic calming measures and improvements shown by Motion in the appendices to the Transport Assessment are considered de minimis. In any event there is a fundamental failure of

provision of a continuous footway along Ashgrove Road providing a safe connection with other pavements and the road is not suitable for cyclists. The site is noted by the KCC Senior Development Planner – Highways and Transportation¹⁰ - to be in a fairly unsustainable location with routes to essential facilities poor with unlit local roads and with many not having footways. Both Ashgrove Road and Oak Lane are identified as being unsuitable in width to allow for the intensification of traffic likely to result from the proposed development. Some mitigation measures have been suggested by KCC including the provision of a pedestrian/cycle route running parallel to Ashgrove Road for the whole of the site frontage but even this is not being provided and, if it was, it would destroy the rural character of the road in any event. The pre-application advice confirms that the physical characteristics would be contrary to highway safety if such a development is promoted. The development fails to comply with the recommendations of the NPPF Section 9 relating to sustainable travel and there is accordingly also clear conflict arising with ADMP Policy T1 objectives. Significant highway safety issues have been raised alongside anticipated severe impact on the road network. The development should therefore be refused on highway grounds as set out under paragraph 111 of the NPPF.

Sevenoaks Town Neighbourhood Plan 2020-2038 Final Submission Draft June 2022 (NP)

- 5.33 The application site falls within the Sevenoaks Town Neighbourhood Plan area. Whilst only in draft form, the contents of the Neighbourhood Plan are submitted by the Association to be a material planning consideration. One of the central objectives is to respond to the increasing threat of climate change and promote policies that help deliver Net Zero target by 2030 *'either through land use and development or through helping to facilitate and encourage more sustainable lifestyles.'* This includes encouraging sustainable travel. As highlighted above, the site sits outside the settlement confines and in an unsustainable location, poorly served by footpaths and with considerable highway safety concerns, rendering walking, horseriding and cycling dangerous. This will inevitably encourage active use of private vehicles to and from the site, which fails to address sustainability objectives and impacts on countryside pursuits, noting the proximity of the bridleway.

¹⁰ David Barton KCC Highways and Transportation email pre-application highways advice PAP/2022/15 dated 7th June 2022

5.34 The NP vision in 2038 includes ensuring protection of its landscape assets whilst recognising the need to plan for and deliver new homes to provide for future generations. The themes and objectives include:

- Theme One - Objective Two – *'to protect the setting of local landmarks and the landscape setting of the town'*

Policy C9 states that *'development will be supported where it protects and enhances the landscape setting and character of the town and visibility to and from the open countryside.'*

- Theme Two – Objective Four – *'...to enhance biodiversity and respond to climate change.'*

Policy L1 looks to development whenever possible and using best endeavours to deliver a net gain in biodiversity and Policy L2 expects new development to manage surface water to minimise flood risk and flow to watercourses. Appropriate drainage infrastructure should be accommodated in order not to overbear the existing network and avoid difficulties with local water supplies, sewerage and sewage treatment, and waste disposal. In respect of the application site, concern is raised over surface water run off which could exacerbate risk of flooding to local roads and the surrounding area by increasing run off from the land to water courses. This is a matter that needs careful addressing.

- Theme Two – Objective Five – *'to recognise the significant contribution that trees and hedgerows make to the town's character and biodiversity.'*

Policy L4 looks to the retention and protection of existing trees and hedgerows wherever possible.

- Theme Three – Objective Seven – *'...to identify a long-term strategic approach to transport in Sevenoaks to respond to and mitigate any impacts of new development on the existing network.'*

- Theme Three – Objective Eight – *'to promote a co-ordinated approach to transport and movement that encourages use of sustainable transport modes, including walking and cycling, and reducing pollution levels....'*

Policy M9 supports measures that will encourage a shift towards the use of greener modes of transport by businesses and residents.

- Theme Seven – Objective Sixteen - *'to deliver a range of new homes to meet local needs.'*

Policy D3 looks to the provision of affordable housing as part of all eligible developments.

- 5.35 In ensuring new development is responsive to its context and enhances the setting of the town's historic assets, one of the stated aims of the NP is for the Town Council to *'work with the District Council and landowners to encourage development of vacant and under-used sites particularly where they have a negative impact on the townscape in Sevenoaks'* (Aim C2). The NP identifies a large number of large sites in the built confines that are currently vacant or under-used, including land opposite Sevenoaks Station and in the High Street adjacent to the Old Police House (formerly Edwards Electrical) both of which have been left vacant for a considerable number of years. Whilst it is recognised there are planning constraints to overcome, many of these sites are submitted by the Association to be capable of accommodating potentially high-density residential development and where sustainability objectives can be appropriately met. The Association believes therefore that it is important the development potential of all these sites is fully explored, including consideration of Compulsory Purchase Order action if deemed appropriate, to avoid the requirement to unnecessarily release unsustainably located Green Belt land such as the application site.
- 5.36 Figure A4 of the NP shows Ashgrove Road and the north eastern section of Oak Lane falling within Area H "Informal Lane" Residential Character Area: Figure A5 confirms its AONB status: Figures A6 its Green Belt designation: and Figure A8 the site's proximity to Ancient Woodland to its south. The SDC Residential Character Area Assessment SPD defines the Informal Lane characteristics of the Hopgarden Lane Area which includes Ashgrove Road and Oak Lane at its junction with Cross Keys. It recognises that large, individually designed detached houses are set well back from the road, well screened and generally have minimal impact on the street scene. It states that Oak Lane and Ashgrove Road *'are narrow, undulating and winding tree lined lanes with no footways creating an informal rural character. Hedges and trees abut the lanes and development is generally well hidden by vegetation and narrow entrances. The curved, narrow, verdant lanes have a strong sense of enclosure. The character of the lanes is unified by the verdant landscape framework and the discrete appearance of buildings...'* The *'loss of mature hedge boundaries to the back edge of pavement'* and *'wide access openings'* are highlighted as negative features that *'adversely affect the character of the lanes.'* As a consequence, the design guidance states that in proposing new development *'mature trees and hedged boundaries which contribute to the character of a lane should be retained or reinstated'* and *'the rural character of the lanes at the edge of the character area should be retained'*

(writer's emphasis).¹¹ The application site itself lies on the edge of this character area with a proposed access off one of the identified rural roads which the Association asserts will fundamentally change its character and give rise to significant visual harm, leaving aside any highway safety issues. Furthermore, the introduction of a residential estate of 50 dwellings in small plots will irreparably erode the countryside, urbanise the site and its immediate context and be completely out of character with the area in terms of housing typology, failing to be in keeping with the predominant form.

The Kent Downs AONB Management Plan (2021-2026)

5.37 The failure of the proposals to conserve and enhance the landscape and scenic beauty of the AONB have been highlighted above and within the Association's separate assessment addressing landscape visual impact. The principles set out in the Management Plan include MMP2 which states that *'The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in ... development management decisions.'* A landscape led approach is required. The document states that *'the starting point of achieving landscape led approach is an understanding of the site and its setting, the local landscape character, supporting this it is the landscape elements, context, special character and qualities, distinctiveness, sense of place, patterns and sensitivities; how it is perceived by people and for what reasons it is valued by people are key to the approach...'*¹² The document sets out considerations and principles which include:

- Section 3.5 addressing sustainable development aims require a landscape in which, inter alia *'all development achieves landscape enhancement, biodiversity gain and supports carbon neutrality; conservation and mitigation is delivered in every case'* ; *'a comparatively tranquil environment is protected, conserved and enhanced'* and *'the setting and views in and out of the AONB are conserved and enhanced.'*
- Principle SD3 looks to *'ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.'*
- Principle SD7 requires new proposals to *'conserve and enhance tranquillity and where possible dark night skies.'*

¹¹ Pages 345 – 353 SDC Residential Character Area Assessment SPD

¹² Kent Downs AONB Management Plan 2021-2026 page 27

- Principle SD8 looks to proposals not negatively impacting '*on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.*'
- Principle SD11 states that '*major development should avoid the Kent Downs AONB in line with NPPF guidance. Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics and qualities of the Kent Down AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued implemented and maintained. The removal or mitigations or identified landscape detractors will be pursued.*'

5.38 The Association contends the Applicants have failed to engage appropriately with local stakeholders who, had they had a proper opportunity, would have been able to inform the Applicants of their views and reasons why the land is so valued in the neighbourhood which include its tranquillity and the moderately dark night skies as appreciated from the public realm which need to be protected from any intrusion as addressed under SD3 and SD7. The Association submits that the scheme fundamentally fails to address these important objectives, amongst others. The impact on the AONB is not outweighed by any benefits arising from new housing to meet a lack of housing supply, or the provision of affordable housing.

5.39 The Association contends that for all the above reasons and those as set out in separate documentation, this inappropriate development is in clear conflict with the provisions of the Development Plan and the National Planning Policy Framework as well as relevant stated aims and objectives as set out within the various supplementary planning documents.

6.0 **THE APPLICANTS' CASE FOR VERY SPECIAL CIRCUMSTANCES**

6.1 As referenced above, the proposals represent inappropriate development. Paragraph 148 charges the Council to '*ensure that substantial weight is given 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 resulting from the proposal, is clearly outweighed by other considerations.*'

The Applicants are promoting a case for very special circumstances on the following grounds:

6.2 The lack of a 5-year housing land supply and commitment to short term housing delivery: –

The Association notes there is a shortfall in terms of delivery of housing to meet the required housing targets and the delays in respect of adoption of the emerging Local Plan. Significant weight could therefore be attached to the housing need and benefits that market housing would bring. However, the scheme is only in outline form and in the light of the extensive mitigation measures required to be undertaken, particularly associated with highway infrastructure, the Association does not consider it reasonable to assume that housing completions will result within five years. There is uncertainty therefore in terms of any short-term housing delivery commitment. In any event, as there is substantial harm arising to this identified 'strong' area of Green Belt, in the opinion of the Association, this harm outweighs any benefits arising from new housing provision. The Association also refers to the recent planning appeal decision taken in relation to the residential development proposals at Broke Hill under appeal reference APP/G2245/W/21/3273188 and dated 31st January 2022. The Planning Inspector concluded that the shortage of market, affordable or self-build housing did not amount to reasons for allowing inappropriate development in the Green Belt which is by definition harmful to the character and its openness.

6.3 The shortage of affordable housing in the District: –

The Association acknowledges the affordable housing shortfall and the importance of providing additional affordable housing in the District. However, the site sits in an unsustainable location and therefore considered by the Association as unsuitable for such housing in the light of the highway safety issues associated with walking and cycling and the limited public transport available, even noting the Applicants' endeavours to increase this service. In any event Policy SP3 of the ADMP requires 40% provision of affordable housing, so the limited addition of 5 affordable housing units equating to 50% affordable housing is not deemed to represent a sizeable additional number to add significant weight to the Applicants' case. In this respect, it is noted that the Council's Planning Policy Officer made similar conclusions in respect of the proposed development land south of Little Brittains, Brittains Lane under reference 21/04236/OUT where, despite the Applicants' claim that the difference between 40% and 50% affordable housing provision '*significantly exceeds the minimum policy requirement*', the Officer concluded that the increase of 7 affordable units (28 units at 40% and 35 units at 50%) '*is not significant given the overall need and balanced against other considerations including strongly performing Green Belt.*' Note that the application site falls within the same parcel 40 of Green Belt land as the Brittains Lane site.

6.4 The benefits to green infrastructure arising from the development and enhanced Biodiversity Net Gain –

The site sits in a sensitive landscape setting and as a result enhancement of biodiversity, ecological and landscape opportunities would be expected and required under national policy and legislation. The Association therefore considers only very limited weight can be attached to these benefits.

6.5 The improvements to sustainable transport and connectivity arising from the development: -

These are having to be introduced by the Applicants due to the fact the site lies in an unsustainable location. These cannot therefore be seen to represent very special circumstances. In any event, the undulating nature of the land, involving steep rise and fall to the adjoining roads, along with the narrow and winding lanes, is not considered conducive to the introduction of readily accessible cycle and pedestrian facilities available for all users. No weight should accordingly be attached to these works.

6.6 The provision of open space arising from the development: -

Whilst the Applicants claim that the open space will be available to the wider community and CS Policy SP9 supports the development of infrastructure facilities required to resolve existing deficiencies, the Association contends that any open space provided through the development will principally be of benefit to the residents of the new estate and would in any event be required as part of any major development proposal also as set out under Policy SP9. Furthermore, the provision of children's play space close to the ancient woodland and the public bridleway gives rise to potential noise, disturbance and light spillage for safe use, all to the detriment of this rural environment. Very limited weight should therefore be attributed to this provision.

6.7 In support of the above, the Applicants claim that there is an accepted need for Green Belt sites to be released. The Association submits however that the proper channels for any such release is through the District-wide Green Belt Review under the Local Plan. Exceptional circumstances need to exist to justify changes to the Green Belt boundary and, as required under paragraph 141 of the NPPF, as part of the overall process it is important for the Council to be able to demonstrate that all other reasonable options for meeting its identified need for development have been examined fully. Such a review was undertaken in 2017 in relation to the previously emerging Local Plan. The application site was not identified. Any updated review has not as

yet been completed and whilst it is understood the site has now been promoted through the new call for sites procedure, site assessments and conclusions have not been completed and no new SHELAA has as yet been published. The Association accordingly considers it to be premature to release this Green Belt site which in any event is one falling within a parcel identified as 'strongly performing' against the five purposes of the designation and which is also the subject of a number of other constraints which, even without a Green Belt status, should in the opinion of the Association prevent its residential development. Furthermore, the Association draws attention to the plethora of other sites which are considered far more suitable for development, many within the built confines, which need to be reviewed carefully with a view to addressing the housing supply shortage. Until a full examination has been undertaken and conclusions reached, the Association therefore does not accept that there is a recognised need for Green Belt sites to be released. Even if so, the application site is not a site suitable for residential development which would so radically encroach into the countryside and result in profound and unacceptable changes to the character of this rural area.

- 6.8 In undertaking the necessary planning balance accordingly, the Association believes that the scale of harm to the Green Belt arising from the proposed development is so significant, that any limited benefits advanced by the Applicants under very special circumstances do not outweigh these harms.

7.0 **OTHER MATERIAL CONSIDERATIONS**

- 7.1 Heritage matters – the application site sits in close proximity to the Grade II listed Cross Keys Cottage, 1 and 2 Ashgrove Road¹³ which stands on the Cross Keys junction to the north of the site. It is an C18 two storey cottage, previously one dwelling but now divided into 2. Fig Street House in Oak Lane and Old Cross Keys off Ashgrove Road are both locally listed buildings which stand to the southwest and east of the site respectively. The Association notes the endeavours of the Applicants to demonstrate that the proposed development will not detrimentally impact either the designated heritage asset or the locally listed assets. However, in the Association's opinion the required changes to the character of this rural area and the anticipated increase in traffic generation arising from a development of 50 units with associated traffic congestion, noise and pollution will give rise to harm. In respect of the significance of the listed building in terms of its setting, the Association considers this to be substantial harm. Substantial harm to

¹³ List Entry No. 1086039

the listed building should be exceptional as outlined under paragraph 200 of the NPPF and the Association does not believe that the Applicants have provided clear and convincing justification for this harm. Planning permission should still be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or other stated criteria are met. The Association submits that the criteria do not apply and any public benefit arising from meeting a housing shortage can be addressed in a different manner, as highlighted above, without utilising the application site. In any event, this is not deemed by the Association to represent a substantial public benefit that outweighs the recognised harm. Even if less than substantial harm is found, this harm still needs to be weighed against the public benefits, which are not considered sufficient to justify the development. Whilst the locally listed buildings stand slightly further away, their settings are important and the negative changes proposed to the rural lane, the introduction of additional traffic, the proposed highway mitigation measures and the presence of a swathe of built development over this open field which detracts from the outlook currently enjoyed from Fig Street House, are all submitted to have a detrimental impact on these locally listed buildings which should be avoided.

- 7.2 Flooding - The Association is concerned about the impact of the proposed development on the existing drainage system which experiences periods of flooding within the local roads. Detailed objections have been set out by DJ Reading MSC, BSC (Geology), Fellow IOM3, Fellow SEG. CGeol. CSci of David Reading Consulting Ltd. The conclusions identify that the Applicants' work is very preliminary in nature, based on regional assumptions and on very limited real data. The overall conclusion is that there is a very real risk of flooding at the Hopgarden/Ashgrove Road junction which clearly should be avoided. Local residents familiar with the current issues have also submitted their own representations addressing this matter and the potential to increase flood risk. These are important material considerations when in addressing the overall issues associated with these proposals, in the context of Chapter 14 of the NPPF. Paragraph 167 states that '*when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.*' The Council will accordingly need to be satisfied that suitable appropriate mitigation measures are put in place over the site. This infrastructure in itself is deemed by the Association to give rise to further domestication and urbanisation of the land, to the detriment of its current high quality, rural character.



Figure 7 flooding experienced a short distance to the south east of the application site - junction of Grassy Lane and Hopgarden Lane

7.3 Biodiversity/Ecological Considerations - the Association also expresses serious disquiet in relation to the potential impact on biodiversity/ecological interests over the site and surrounding area. A separate objection submission on these matters is submitted by D.J. Reading (qualifications as above). Local residents have already identified damage through the eradication of a pond on the site. Mr Reading has also highlighted the destruction of part of a hedgerow noted to be of high intrinsic ecological value as a Habitat of Principal Importance (HPI) as classified under a former preliminary ecological assessment undertaken by the site owners' representatives in 2021. Key biodiversity issues relate to the destruction of natural habitats or sighted and potentially existing, protected species prevalent, namely Badgers, Bats and Great Crested Newts, as well as the impact damage on the ecosystem prevalent in the surrounding ancient woodlands and the HPI hedgerow. These are all very important issues which the Association submits have not been fully addressed by the Applicants to demonstrate that harm will not arise to recognised biodiversity interests.

8.0 **CONCLUSIONS**

8.1 The Association accordingly submits that this outline application, seeking consent for a development of 50 units with vehicular and pedestrian accesses onto Ashgrove Road, and with the introduction of 109 parking spaces, and new cycle routes, is wholly unacceptable. The site

stands outside the built confines and in an unsustainable location and directly conflicts with planning policy and associated objectives.

- 8.2 The application site is designated Green Belt and lies within the Kent Downs Area of Outstanding Natural Beauty. It also adjoins ancient woodland. There are no readily definable and durable barriers to its south to successfully contain the site which is of similar character to other fields forming part of this open landscape. It provides an important function in protecting the openness of the countryside and safeguarding it from encroachment and urban sprawl. Residential development over the site represents inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. The Applicants' case for very special circumstances is not contended by the Association as being robust and in addressing the relevant planning balance is contended not to outweigh the identified harm to the Green Belt.
- 8.3 There is no justification to release Green Belt sites without a full assessment of the most sustainably located sites having first been undertaken and all other reasonable options having been examined as required under paragraphs 140 and 141 of the NPPF. Notwithstanding this point, the Association submits this unsustainably located site is one that is wholly inappropriate for release for residential development in the light of its significant constraints as have been highlighted.
- 8.4 The proposals will also detrimentally impact on this rural area and fundamentally change the character of an important part of the countryside. AONBs are nationally protected landscapes and the highest priority should be given to the conservation and enhancement of their landscape and scenic beauty. The development fails to conserve and enhance the landscape beauty of this part of the AONB. The proposals represent 'major development' where planning permission should be refused unless it is demonstrated that exceptional circumstances exist and the development is in the public interest. The Association submits that the proposals neither represent exceptional circumstances nor is it in the public interest to grant planning permission. Any exceptional circumstances and public interest benefits by reason of new market and affordable housing and open space are considered by the Association to be wholly insufficient to justify the serious detriment anticipated likely to arise to the AONB and ancient woodland with further concerns associated with impact on flooding and detrimental impact on biodiversity/ecology/wildlife interests including the destruction of part of an important hedgerow.

- 8.5 In addressing the need for housing, the Association submits that the 5-year housing supply position should be determined through the proper channels of the Local Plan process and not through this planning application, or other applications on land where similar constraints have been identified. There is clear conflict with objectives set out under the NPPF which look to the protection of areas of particular importance which include the Green Belt and AONB. There are also other relevant policies in the Core Strategy and Sevenoaks Allocations and Development Management which remain consistent with the policies of the NPPF and against which this development conflicts. Considerable weight should accordingly be attached to these policies in accordance with paragraph 219 of the NPPF. The presumption in favour of sustainable development set out under paragraph 11 of the NPPF cannot therefore be applied and the tilted balance under paragraph 11(d) is not engaged.
- 8.6 The provision of a small additional amount of affordable housing, namely 5 extra units over and above the policy requirement, is not submitted to add significant weight to the Applicant's case.
- 8.7 There are significant highway objections to the development and insufficient mitigation measures introduced to address these. The Association has raised these concerns in separate submissions. The anticipated intensification of use of the local highway network and proposed changes to accommodate the development will give rise to further harm to the pleasant and recognised rural character of this environment. The proposals were not supported by the KCC Highways Officer under the pre-application consultation exercise and the development is contended to fail comply with the recommendations set out under Section 9 of the NPPF Section 9 relating to sustainable travel as well as conflict with ADMP Policy T1. Paragraph 111 of the NPPF should accordingly be engaged and the development refused on highway grounds.
- 8.8 The planning history associated with the application site clearly dictates against the proposed development in respect of the provision of vehicular access off Ashgrove Road. This has been carefully assessed on three separate occasions in the past and where highway safety issues and significant disruption to the rural scene have been identified. No material changes have arisen to justify a different decision now being taken for the introduction of a vehicular access onto Ashgrove Road and in the interests of consistency of approach in the decision-making process, the scheme should be rejected on similar grounds to those relating to the former refused schemes.
- 8.9 There is also harm arising to a designated heritage asset at Cross Keys and to nearby locally listed buildings. The recognition of the historical setting of Ashgrove Road and its sunken lane

characteristics are also highlighted within the AONB Unit's response which sets out concerns over the development spoiling the lane's rural character and historic features.

- 8.10 The Association's Visual Landscape Impact Assessment confirms that significant harm will arise. The landscape effects are judged to be 'Substantial Adverse'. The development is also judged to have 'Substantial Adverse' effect locally on the area just outside the AONB. Development of the Green Belt site for housing in the AONB is therefore highlighted as being highly inappropriate, having a Substantial Adverse effect on both landscape character as well as critically undermining the capacity of parcel 40 of the Green Belt to prevent urban sprawl.
- 8.11 There is unacceptable destruction of other key features, further supporting the contention that the land should not be released from the Green Belt as it forms part of a wider area without a readily defined southern boundary and where it connects with other open fields, all of which provide an important countryside setting to the settlement confines to the north/north east.
- 8.12 The development will detrimentally change the character of this countryside, with unacceptable incursion of buildings and roadways with other domestic paraphernalia into a recognised tranquil area, resulting detriment and loss of outlook to local residents. Additional harm arises from intensification of use of the land with traffic, noise and disturbance from domestic activity, as well as light spillage, further harming residential amenities.
- 8.13 The Association has identified many planning policies and associated objectives set out in the Development Plan which are consistent with the NPPF and against which the proposals conflict. Around 400 resident objections have also been separately lodged with the Council which serve to demonstrate the strength of feeling over how unacceptable and inappropriate this development is seen to be in the locality.
- 8.14 For all these reasons the Association strongly objects to the proposed development and requests that this application for outline planning permission is refused.

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