

The Manor Gospel Trust AB PLANNING & DEVELOPMENT - PLANNING APPRAISAL	
Site: Brethren's Meeting Hall, Leydenhatch Lane, Swanley, Kent, BR8 7PT	AB P&D Contact: Andy Bateson, 01993 880680
Total Site Area: 5.296 hectares (13.087 acres) – Approx 5ha in Dartford and 0.296 in Sevenoaks	Local Planning Authorities: Dartford Borough Council & Sevenoaks District Council
Listed Buildings / Conservation Areas / Tree Preservation Orders: The site subject of this appraisal does not contain any listed buildings and does not fall within any designated Conservation Area. There are no Tree Preservation Orders covering the site.	
Green Belt / Important Open Areas & Gaps: The whole site and all the surrounding land north of Leydenhatch Lane is designated Metropolitan Green Belt land. This designation washes across all land and buildings north of Swanley extending from Sevenoaks District into Dartford Borough.	
Development Plan Status: The relevant parts of the Development Plan presently consists the saved policies in the adopted Dartford Borough Local Plan (1995) and the saved policies in the Sevenoaks District Local Plan (2000), particularly policies S4, GB2 and C1 in the Dartford plan and policy EN1 in the Sevenoaks plan. Although both plans are old and they are both due to be replaced by emerging Local Development Framework (LDF) policies, neither LDF has yet been adopted. Notwithstanding the extreme age of the planning policies in the two adopted plans, critically they are consistent with each other and, more importantly, they are consistent with adopted national guidance given in PPG2 – Green Belts.	
Recent Relevant Site History: <u>Sevenoaks District Council (SDC):</u> SE/10/02823/ADJ – Commented on 1 st November 2010 that provided the Highway Authority were satisfied with the access arrangements and suitable conditions were imposed by Dartford Borough Council relating to landscaping, hours of operation and the number of burials, then no objection was raised to the change of use of agricultural land adjacent to the Brethren's Meeting Hall within Dartford Borough to provide a private Brethren burial ground with associated vehicular access, parking and landscaping. SE/09/01637/DETAIL – Planning permission granted 2 nd September 2009 for the discharge of Condition 2 (visibility splays) pursuant to an earlier planning permission SE/09/00299/FUL for the formation of a new egress junction onto Leydenhatch Lane. SE/09/00299/FUL – Conditional planning permission granted 29 th May 2009 for the formation of a new vehicular junction onto Leydenhatch Lane to supplement the existing access to the Brethren's long established Meeting Hall at Swanley and create separate access and egress junctions.	

Although not associated with the Brethren's Meeting Hall, another consent of relevance to any future development proposal is SE/09/02127/FUL and Planning Inspectorate Appeal Ref: APP/G2245/A/10/2129508 – Having initially been refused permission by Sevenoaks DC, planning permission was subsequently granted at appeal on 19th November 2010 for the erection of a 1,149m³ replacement workshop building with excavated access, car parking and concrete washdown area, at Wilburton Yard, immediately to the northeast side of the Brethren's Meeting Hall in Leydenhatch Lane. The new building was sited further back into the Green Belt than the original structure it replaced and was almost 10% larger.

Dartford Borough Council (DBC):

DA/11/00192/CDNA – Planning permission granted 4th March 2011 for the discharge of Condition 2 (landscaping) pursuant to an earlier planning permission DA/10/01309/COU for the change of use of agricultural land to private Brethren burial ground, with associated access, parking and landscaping.

DA/10/01309/COU – Planning permission granted 17th January 2011 for the change of use of agricultural land adjacent to the Brethren's Meeting Hall in neighbouring Sevenoaks District to private burial ground, with associated access, parking and landscaping.

Relevant Planning Policies:

National planning policy guidance relating to Green Belt land is set out in Planning Policy Guidance Note No.2 (PPG2) – Green Belts. PPG2 states that the most important attribute of Green Belts is their openness and the fundamental aim of Green Belt policy is, therefore, to prevent urban sprawl by keeping land permanently open. The construction of new buildings in the Green Belt is deemed inappropriate and there is therefore a presumption against development unless it is exceptionally required for one of a number of specified purposes including essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land that preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. The five purposes of originally including land in the Green Belt are defined as: to check unrestricted urban sprawl of large built-up areas; to prevent coalescence of neighbouring settlements; to safeguard countryside from encroachment; to preserve the setting and special character of historic towns; and to assist urban regeneration, by encouraging the recycling of derelict and other underused urban land.

Policies S4 and GB2 from the adopted Dartford Borough Local Plan reiterate national planning policy guidance towards Green Belts by maintaining a presumption against new built development.

Additionally, policy C1 from the Dartford Borough Local Plan seeks to restrict built development generally within the open countryside unless required essentially for agricultural or forestry purposes.

The Appendices (Appendices 14 & 15) to the Dartford Local Plan introduce quantifiable limits to the maximum amount that the Council would potentially be prepared to permit extensions to dwellings or replacement dwellings in the Green Belt. In both instances, the maximum permitted is a one-third increase in the total volume of the original building to be extended or replaced. There is no similar advice pertaining to non-residential developments and no adopted policy that is associated with this additional advice contained within the Plan's appendices.

Policy EN1 from the adopted Sevenoaks District Local Plan states that proposed development including any changes of use should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion of activity levels including vehicular or pedestrian movements. Adopted supplementary planning guidance (SPG) to the Plan stipulates that where extensions to buildings in the Green Belt are proposed, they will not be permitted if the resultant building would be more than 110% the volume of the original building. Similarly, any proposed replacement buildings would not be permitted if the resultant volume of the building was to be more than 110% the volume of the original building to be replaced. There is no specific advice pertaining to non-residential extensions or replacement buildings in the Green Belt given in the adopted Local Plan.

Both the adopted Local Plans in Dartford and Sevenoaks will ultimately be replaced by policy guidance in the new Local Development Frameworks (LDF's). However, at this stage only the Core Strategy policies have been prepared and these have still not yet been formally adopted following Examinations in Public (EIP). Nothing that has been prepared thus far in either Dartford Borough or Sevenoaks District fundamentally alters the policies applicable in Green Belt areas referred to above in the two Local Plans.

Planning Assessment and Development Opportunities:

All the land north of Leydenhatch Lane, including all the frontage development is designated Metropolitan Green Belt. The land to the rear (north) of the Brethren's Meeting Hall in Leydenhatch Lane, Swanley is flat, open rural land with panoramic views available across it from numerous vantage points in Leydenhatch Lane, north of Selah Drive (in Sevenoaks District) and from Birchwood Road (in Dartford Borough). The existing Brethren's Meeting Hall and the majority of the private tarmaced car park that surrounds it lies within Sevenoaks District. A small part of the formal car park, plus the occasional grass overflow car park, the recently approved private burial ground and the surrounding open grassland lies within Dartford Borough.

The existing Meeting Hall has a modern industrial appearance, with largely blank red-brick facades and a shallow A-symmetrical sheet metal roof. The building is set back approximately 26m from Leydenhatch Lane, behind a 1.8m wide roadside footway, a 3-5m wide grass verge and 1.8m high palisade fencing supplemented/interwoven by a 2m high hawthorn hedge. I have calculated that the existing building has a gross external floor area measurement of 798m² and a volume of approximately 3,148.9m³ (see accompanying plans Drawing No. 300-01 and 400-01).

If the existing building were to be extended or replaced within Sevenoaks District then the adopted planning policy (EN1) and SPG in the Sevenoaks District Local Plan would require that any resultant building would be no larger than a maximum of 110% of the original structure, i.e. no more than 878m² in floor area and no more than 3,463.8m³ in volume. In principle, any proposal to extend the existing building in accordance with that policy, bearing in mind that it is already surrounded on three sides by built development, would be deemed acceptable. However, even though the Hall is clearly located within the developed urban area of Swanley, proposals to extend or replace the building with something larger than 110% the volume of the existing building would be resisted by Sevenoaks District Council. Also, given the long-established Green Belt policies applicable to this area, it is likely that any potential appeal against a refusal for something larger would be dismissed. Whilst an appeal was granted recently for a replacement workshop in the Green Belt at Wilburton Yard, immediately northeast of the Hall, that permission only enabled retention of a 1,149m³ building, which fell just under the Council's adopted 110% threshold.

The illustrative draft plans that were provided to me for a suggested replacement Meeting Hall in Dartford Borough, some 70m north of the existing Hall in Sevenoaks indicated a building with a floor area equivalent to 1,800m². Assuming any new building would be designed along similar lines to the existing Hall, I have calculated that the likely volume of such a building would probably amount to about 5,994m³ (see accompanying plans Drawing No. 300-02 and 400-02). Effectively, therefore, what has currently been suggested as a potential replacement Hall would represent a 225% increase in floor area over the existing structure and, critically, a 190% increase in cubic volume. Any formal proposal for such a large increase in Hall size would inevitably attract opposition from both Dartford Borough and Sevenoaks District Council planning officers. In all likelihood, such opposition would probably be echoed by Council members and surrounding local residents. It is therefore considered highly likely that any such proposal would be refused planning permission if submitted in this form. Given, adopted national and local planning policy guidance and past planning history in the area, it is considered unlikely that permission could be secured at appeal for such a large replacement structure.

The adopted policy in Dartford Borough is still framed by the same over-arching national policy guidance given in PPG2, but the guidance given in the appendices to the adopted Dartford Borough Local Plan permits residential extensions and redevelopments of up to a third increase in size the volume of any original structure, rather than the more restrictive 10% increase permitted in Sevenoaks District. If that general policy approach were to be applied to the Brethren's Meeting Hall then, potentially, a replacement building of up to 1,064m² in floor area and 4,198.4m³ cubic volume might be permitted by Dartford Borough Council (see accompanying plans Drawing No. 300-03 and 400-03). However, that would be an absolute maximum size permitted and the Council or any Inspector considering a possible subsequent appeal would need to be satisfied that the general openness of the Green Belt could still be maintained, so it may be that something a little less might actually be permitted.

The plans that I have prepared to accompany this appraisal indicate the existing Hall, what has been suggested to me as a potential replacement structure and an alternative revised proposal, which I believe is far more likely to find favour with the Local Planning Authorities and/or The Planning Inspectorate than the initial suggestion.

The larger replacement Hall proposal is so large and so far removed from adopted local and national planning policy guidance that I must advise against the submission of such an application as the chances of securing a consent are very small indeed. In order to maximise any chance of securing a planning permission, I would strongly urge you to revise your proposals down in size to something closer resembling that in my revised designs.

Planning Obligation Issues:

As noted above, adopted national and local planning policy guidance seeks to prohibit the sort of large-scale development in the Green Belt that is currently envisaged. A 190% increase in the volume size of the existing structure simply would not be condoned, although a smaller increase of just 110% would be permitted in Sevenoaks District and perhaps up to 133% volume might be permitted in Dartford Borough. If a replacement rather than an extended building is to be pursued, then the Brethren would probably need to offer something in return to compensate the loss of openness. If the Council(s) were to be agreeable to any such deal then the terms of any such agreement would probably need to be fixed by way of a S.106 Planning Obligation Agreement (POA) or Unilateral Undertaking.

In addition to the usual obligation requirements such as fixed contributions to the enhancement of community and transport infrastructure, such an Obligation would need to also specify that the remaining land in Brethren ownership, including the existing Hall site, would remain open and free from further development. It may possibly also be insisted upon in any POA that any replacement Hall is located clear of the very open land at the far northern end of the Brethren's site ownership and located instead behind the tall screen hedge that currently surrounds the grass overflow car park.

Fallback Position:

As an alternative to accommodating a brand new 1,800m² / 5,994m³ Meeting Hall on the open former agricultural land to the rear, in Dartford Borough, as a replacement for the existing 800m² / 3,148.9m³ building on the developed frontage, in Sevenoaks District, the Councils would probably be agreeable to some form of smaller extension to the existing Hall or a smaller replacement Hall. Existing adopted policy in Sevenoaks District (policy EN1) policy would permit the construction of a 10% extension to buildings in the Green Belt or the erection of replacement buildings of 110% the volume of the original building. However, this would only permit the creation of a Hall with a volume of no more than 3,463.8m³. A simple 78m² increase in floor area of the Hall would not be worthwhile, as it would probably only enable an extra 20 or so people to attend any meetings.

Alternatively, a replacement Hall sited on land in Dartford Borough of up to 133% the volume of the existing Hall, i.e. about 4,188m³ would generate a floorspace increase of about 266m². This would potentially permit about 80 more people to attend gatherings in any new Meeting Hall.

To maximise any chance of success in securing consent, I would recommend that any application proposes a revised siting on the grass overflow car park rather than on the far more open land to the rear, beyond the hedge line. In making any application, one would need to argue relevant precedent from the recent consent at appeal on the Wilburton Yard, immediately to the northeast (SDC Application Ref: SE/09/02127/FUL and Planning Inspectorate Appeal Ref: APP/G2245/A/10/2129508). In that instance, permission was successfully secured for a replacement workshop building with associated access, parking, etc on land further to the north of the original built development but on an alignment broadly comparable with the Brethren's grass overflow car park. I would also suggest that in order to secure consent the Brethren should probably be prepared to offer an obligation that the existing developed site and all the remaining open land would be retained thereafter free from built development, in order to help preserve the continued openness of the Metropolitan Green Belt.

Prospects of Success:

A Replacement Hall of the size specified (1,800m² / 5,994m³) on the land currently identified in Dartford Borough:

VERY GOOD	(over 70%)
GOOD	(50 to 70%)
BALANCED/NEGOTIABLE	(40% to 50%)
DIFFICULT	(20% to 40%)
POOR/V. POOR	(less than 20%)

Alternatively, a smaller replacement Hall (of 1,064m² / 4,188m³) also on land in Dartford Borough but on the existing grass overflow car park:

VERY GOOD	(over 70%)
GOOD	(50 to 70%)
BALANCED/NEGOTIABLE	(40% to 50%)
DIFFICULT	(20% to 40%)
POOR/V. POOR	(less than 20%)