

Poly-tunnel greenhouse and a double-garage – SE/10/1416

A report by Head of Planning Applications Group to Planning Applications Committee on 15 February 2011

Application by Milestone School for the installation of a vertical multispans poly-tunnel greenhouse and a double garage at Milestone School, Ash Road, New Ash Green – SE/10/1416.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr. D.Brazier

Classification: Unrestricted

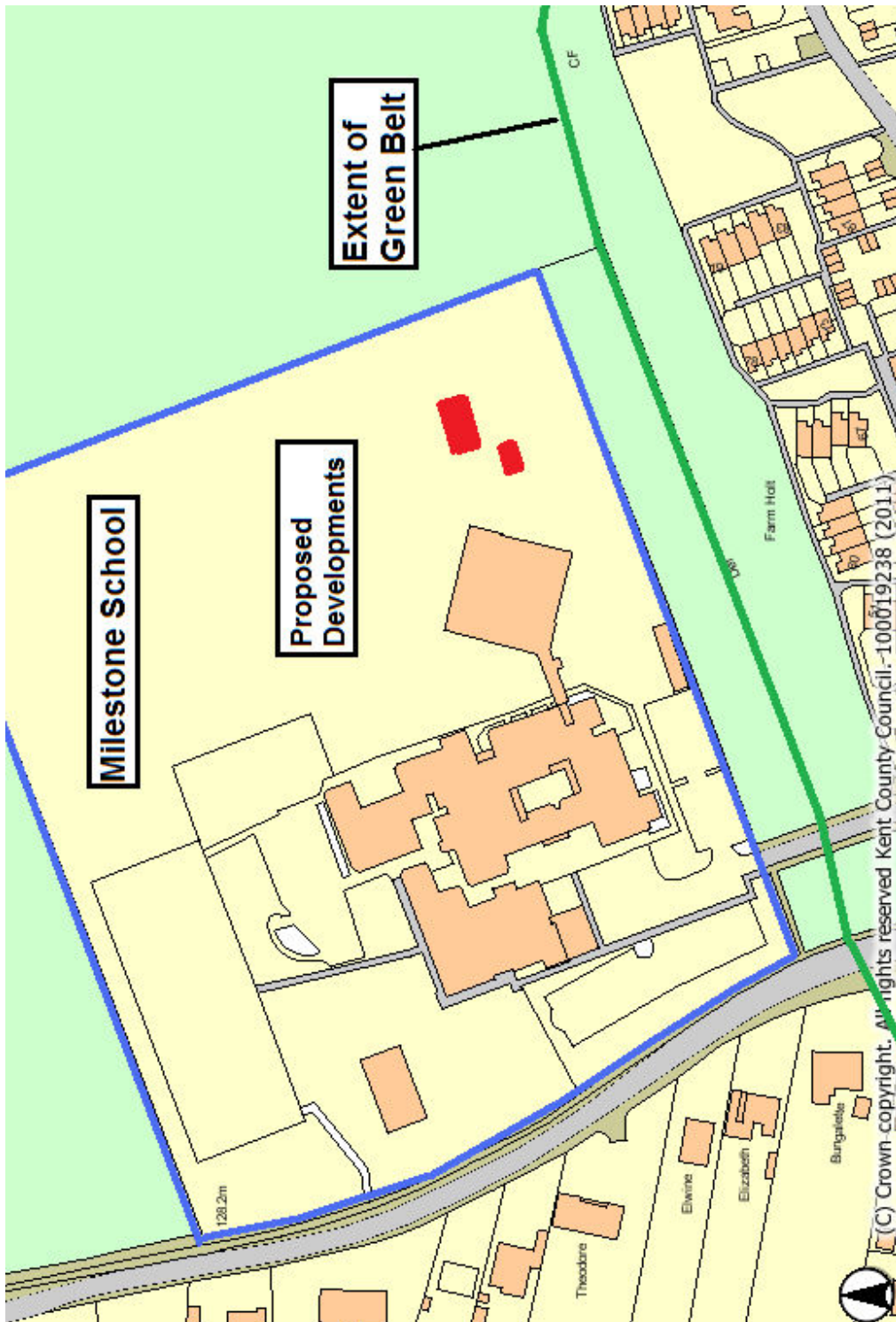
Site

1. Milestone School is located on the northern edge of New Ash Green, although the entire site lies within the parish of Hartley. The school site is bordered by agricultural fields to the north and east, and an area of trees separating the school from residential development to the south. New Ash Road forms the Western boundary and has residential buildings along the opposite side to the school. The entire school site is surrounded by mature hedgerows and trees that largely screen the buildings and playing fields from external view. The school site lies wholly within the Metropolitan Green Belt. The southern boundary marks the extent of the designated green belt, and the New Ash Green development boundary.

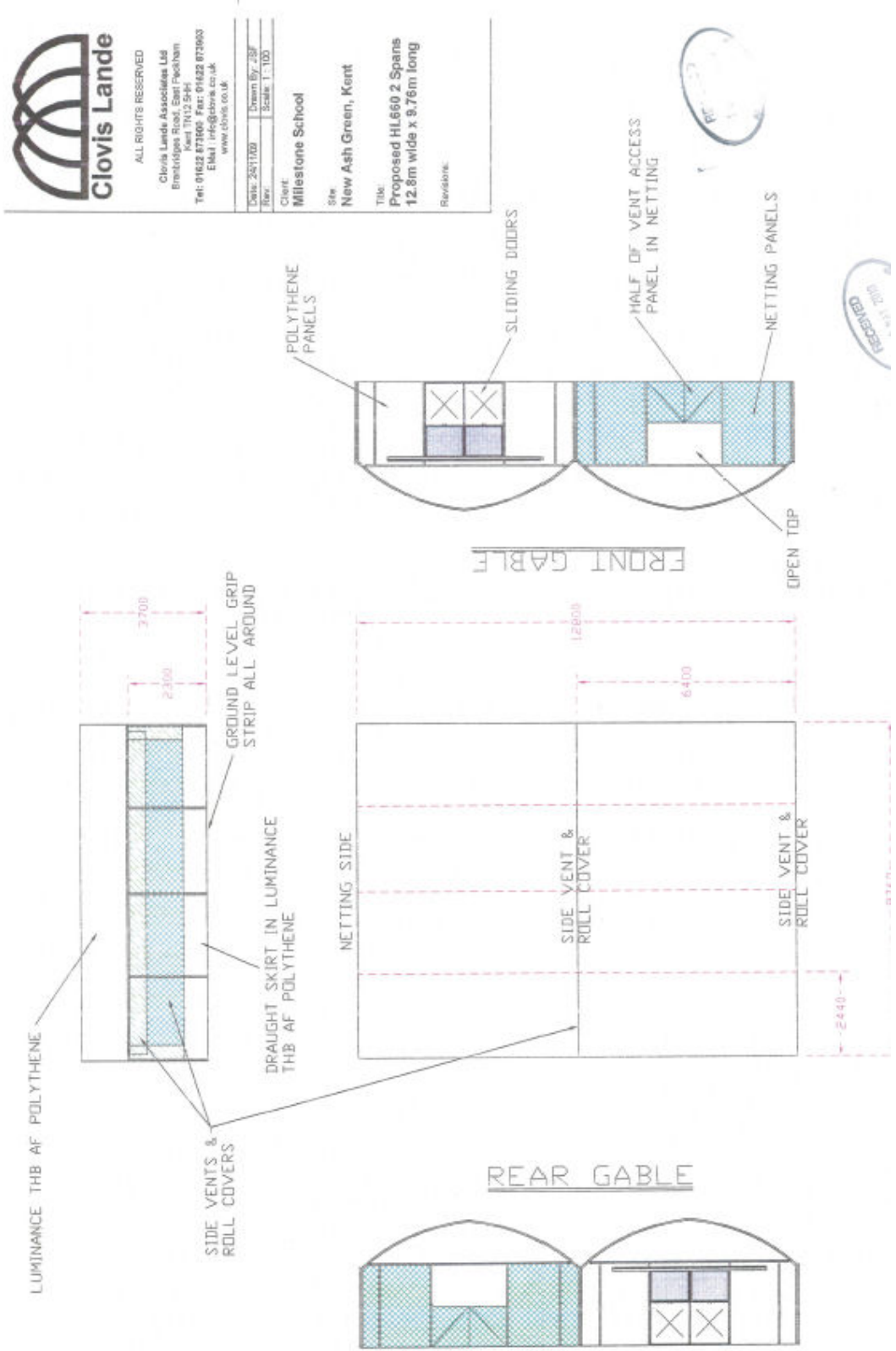
Background

2. Milestone School is designated for children with Special Educational Needs, and includes those with Profound and Multiple Learning Difficulties. The children range in age from 2 to 19 years old and the school is divided into Key Stage 1 and 2, Key Stage 3 and 4, and Further Education departments. In total, Milestone School provides 223 full-time school places.
3. Recent developments on site include a large extension to the school buildings to provide additional Key Stage 1 and 2 accommodation, an extension to the car park and the provision of a new play area. In 2008, two mobile classrooms were granted temporary planning permission to be sited on the school playing fields, for use during extension works at the school. However, these buildings were not installed on site and the permission has since expired. There are two large temporary modular buildings to the north and east of the site which provide accommodation for the post-16 year old pupils.

Poly-tunnel greenhouse and a double-garage – SE/10/1416



Poly-tunnel greenhouse and a double-garage – SE/10/1416



Poly-tunnel greenhouse and a double-garage – SE/10/1416

Proposal

4. This application proposes the installation of a 12.8m by 9.76m twin greenhouse. The structure will be vertical sided, with a double-arched polythene roof, and sliding doors and vents. The greenhouse walls are proposed to be 2.3m from ground to eaves, with a maximum roof height of 3.7m at the peak of the 'tunnel'. The proposed garage would measure 2.29m in height, covering a floor space of 37sq.m, with a pebble-dashed finish and steel roll shutter doors.
5. The proposed buildings are to be located in the south east corner of the school site, adjacent to an existing vegetable garden and outdoor education area, with raised vegetable plots, a chicken run and planting. The area lies adjacent to an existing car park, with the playing fields to the north, and a hedgerow boundary to farmland to the east. The nearest residential properties are 70m to the south, with woodland in between.
6. Following objections from the District Council relating to the Metropolitan Green Belt, the applicant submitted a statement arguing the necessary very special circumstances. The statement makes the following points:
 - The school is located wholly within the Green Belt; therefore to locate the proposal outside of the Green Belt is not a practical option.
 - The school site is a safe area, which caters for the special needs of the pupils who have profound, severe and complex needs.
 - The outdoor vegetable area provides an educational challenge to the mentally and physically disabled pupils, who learn within the 'P' levels below national curriculum and some attaining the first level.
 - The pupils require adult support and a class is made up on average of 10 students with three teaching assistants and a teacher.
 - The poly tunnel will be located next to the raised vegetable beds to allow indoor and outdoor education, and will include wheel-chair paths and level work benches for access.
 - From Sept 2010 the School will be delivering Environment and Land Based Studies Diploma which is a vocational qualification for the students, and the proposed buildings are necessary for the delivery of this course.

Planning Policy

7. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) **Planning Policy Guidance 2 – Green Belt**

There is a general presumption against inappropriate development within the Green Belt, which is by definition harmful and should not be permitted unless it can be justified by very special circumstances. The construction of new buildings within the Green Belt is inappropriate unless it is for the following purposes:

 - agriculture or forestry

Poly-tunnel greenhouse and a double-garage – SE/10/1416

- essential facilities for outdoor sport and outdoor recreations, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it.
- limited extension, alteration or replacement of existing dwellings.
- limited infilling in existing villages and limited affordable housing for community needs
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

(ii) The adopted **South East Plan**

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently awaited. Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

Policy SP5 Supports the existing designation of Green Belt land in the South East.

Policy CC1 Seeks to achieve and maintain sustainable development within the region.

Poly-tunnel greenhouse and a double-garage – SE/10/1416

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

(iii) The adopted **Sevenoaks District Local Plan 2000**

Policy EN1 General Principles of development; all forms of development must comply with development plan policies, unless there are overriding material considerations. Development should: be compatible to the site in design, scale and density; respect the topography and retain important features; not affect the amenities of the locality; provides appropriate facilities for those with disabilities.

Policy GB1 Extent of land included within the Green Belt. The permanence of the land within the Green Belt must be maintained. The extent of the Green Belt must only be altered in exceptional circumstances.

Sevenoaks District Council objects to the proposal on the grounds that the land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. No very special circumstances have been put forward which would outweigh the potential harm and over ride Planning Policy Guidance 2 and SP5 of the South East Plan.

Following the submission of the Green Belt Statement, the District Council submitted the following comments:

The proposed buildings are inappropriate development within the Green Belt. The very special circumstances that have been put forward are not considered to clearly outweigh the potential harm to the openness of the Green Belt and therefore the proposal is not in accordance with Planning Policy Guidance Note 2.

Hartley Parish Council raises no objections.

Local Member(s)

8. The local County Member for Sevenoaks North East, Mr D.Brazier, was notified of the application on the 16 May 2009 and of the additional information on 25 May 2009.

Publicity

9. The application was advertised by the posting of a site notice.

Representations

10. There were no letters of representation at the time of reporting.

Discussion

11. In considering this proposal regard must be had to Development Plan Policies outlined

Poly-tunnel greenhouse and a double-garage – SE/10/1416

in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

12. This application has been brought for determination by the Planning Applications Committee due to an objection from the District Council. The initial objection was submitted on the grounds that the development was within the Green Belt and therefore constituted inappropriate development which would harm the openness of the Green Belt and conflict with national Planning Policy Guidance 2 (PPG2). The applicant submitted a statement from the headmaster which argued very special circumstances for the proposal. However, following this the District Council reaffirmed its objection that the proposed building would constitute inappropriate development within the Metropolitan Green Belt, and no 'very special circumstances' have been put forward which clearly outweigh the potential harm to the openness of the Green Belt from the development.

Green Belt

13. Planning Policy Guidance 2 states that that inappropriate development is by definition harmful to the openness of the Green Belt, and it is for the applicant to show why permission should be granted by proving very special circumstances, which prove that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The strict interpretation of PPG2 would allow limited extension to dwellings but this exception would not extend to this development as it is for a school, and if strictly complied with, no extension or modest expansion of any existing school premises would ever be acceptable under PPG2 criteria. Clearly the purpose of the Green Belt is not prevent organic expansion and improvements of existing and necessary community facilities that happen to operate in an area that has been covered by a blanket Green Belt designation. Whilst it may possible to interpret the other PPG2 exception "other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it" as extending to this situation, if the strict approach is to be adopted, then this proposal would constitute inappropriate development and it would be necessary to demonstrate 'very special circumstances'.

Inappropriate Development

15. PPG2 seeks to maintain tight planning controls over development within the Green Belt designation, the aim being:
 - to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns from merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Poly-tunnel greenhouse and a double-garage – SE/10/1416

16. The School has made the argument that the proposed buildings would be located within the confines of an existing school site, which is fenced off and bordered by established hedgerows, and therefore the spatial encroachment would only be obvious from within the site, and therefore would not encroach on the wider Green Belt. The buildings themselves would be minor in their impact. The greenhouse building would be closely connected to – and an intrinsic part of – the raised vegetable beds and the existing outdoor agricultural educational facilities. The building would be constructed of translucent and transparent materials similar to a domestic greenhouse – these would be easily constructed and removed, without the need for extensive and permanent foundations - therefore the building, by its reversibility and connection to agriculture, would not contribute to urban encroachment, which Green Belt policy seeks to contain.
17. The proposed garage building is a minor building covering 37sq.m and approximately 2.29 metres high. If it were not included within this application, as part of the wider project to provide agricultural and horticultural education, the garage would be able to be erected without planning permission under permitted development rights. It is of a modular construction and a temporary nature, and therefore would also be easily removed. The school has stated that the garage is necessary to provide secure and safe storage of equipment associated with, and essential to, the vegetable area and greenhouse.
18. The District Council has communicated that their opinion on this case is that building within the Green Belt, even when not visible from the wider landscape, would still constitute inappropriate development as it would encroach spatially by introducing an additional amount of built form. Whilst I accept this point, given the small scale of what is proposed, its location in close proximity to existing built development and that the site is enclosed by established hedgerows, I do not consider that it would significantly impact on the openness of the Green Belt. However it is still necessary to consider whether or not there are very special circumstances that would outweigh the harm from it being inappropriate development.

Very Special Circumstances

19. In response to the District Council's objection the School has submitted a case of very special circumstances which it considers would outweigh the potential harm to the Green Belt. It states that the pupils of Milestone School have profound and serious physical and mental disabilities. The raised vegetable beds and greenhouse activity areas would provide an opportunity to challenge and develop the children in an outdoor environment, and in a way that cannot be met within the existing facilities. The facilities would also help to deliver a course and qualification to these children, they might not otherwise have opportunity to obtain.
20. The objections from the District Council highlighted that whilst the facilities would be associated with outdoor recreation activities, this would not be acceptable under PPG2 as the facilities are private, for the use of the school only. I would argue that the specialist facilities are not a private recreation development, as it is a public school providing specialist services to severely disabled children. The limitations for use are based solely on the circumstance of the children attending the school. In my opinion it

Poly-tunnel greenhouse and a double-garage – SE/10/1416

would be inequitable to not attach weight to the needs of the pupils and the ongoing aims of the School as a whole to provide an appropriate range of facilities for this school. Moreover, the purpose of the Green Belt is to contain existing areas of urban development within their existing built up confines by maintaining largely open land between them – in this case between the built up area of Greater London and the built-up areas of the established surrounding towns and villages. Whilst Green Belt policy aims to preserve the openness of these largely undeveloped ‘in between areas’, the intention is clearly not to prevent the continued operation and success of those community services that already operate within the Green Belt.

Conclusion

21. In my opinion, the arguments advanced by the School do amount to very special circumstances which outweighs the material harm to the Green Belt. The application proposes minor development, which is low impact and reversible, and is closely related to the delivery of an important educational course which is specific to the special needs of the children who attend this School. Furthermore, due to the minor scale of the proposal, the location, design and materials used, the development would not significantly impact on the openness of the Green Belt. I therefore recommend that planning permission be granted subject to conditions.

Recommendation

I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard time condition;
- The development to be completed in accordance with the approved plans;

Case Officer: Jeff Dummett

Tel. no: 01622 221058

Background Documents:
