

**Change of use for classroom facility, Lullingstone Country Park Visitors Centre, Castle Road, Eynsford – SE/13/2646 (KCC/SH/0273/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2013

Application by Kent Country Parks for change of use of classroom facility for both educational activities and functions, Lullingstone Country Park Visitors Centre, Castle Road, Eynsford, Kent, DA4 0JF – SE/13/2646 (KCC/SE/0273/2013).

Recommendation: Permission be granted subject to conditions.

**Local Member:** Mr. R. Gough

**Classification:** Unrestricted

**Site**

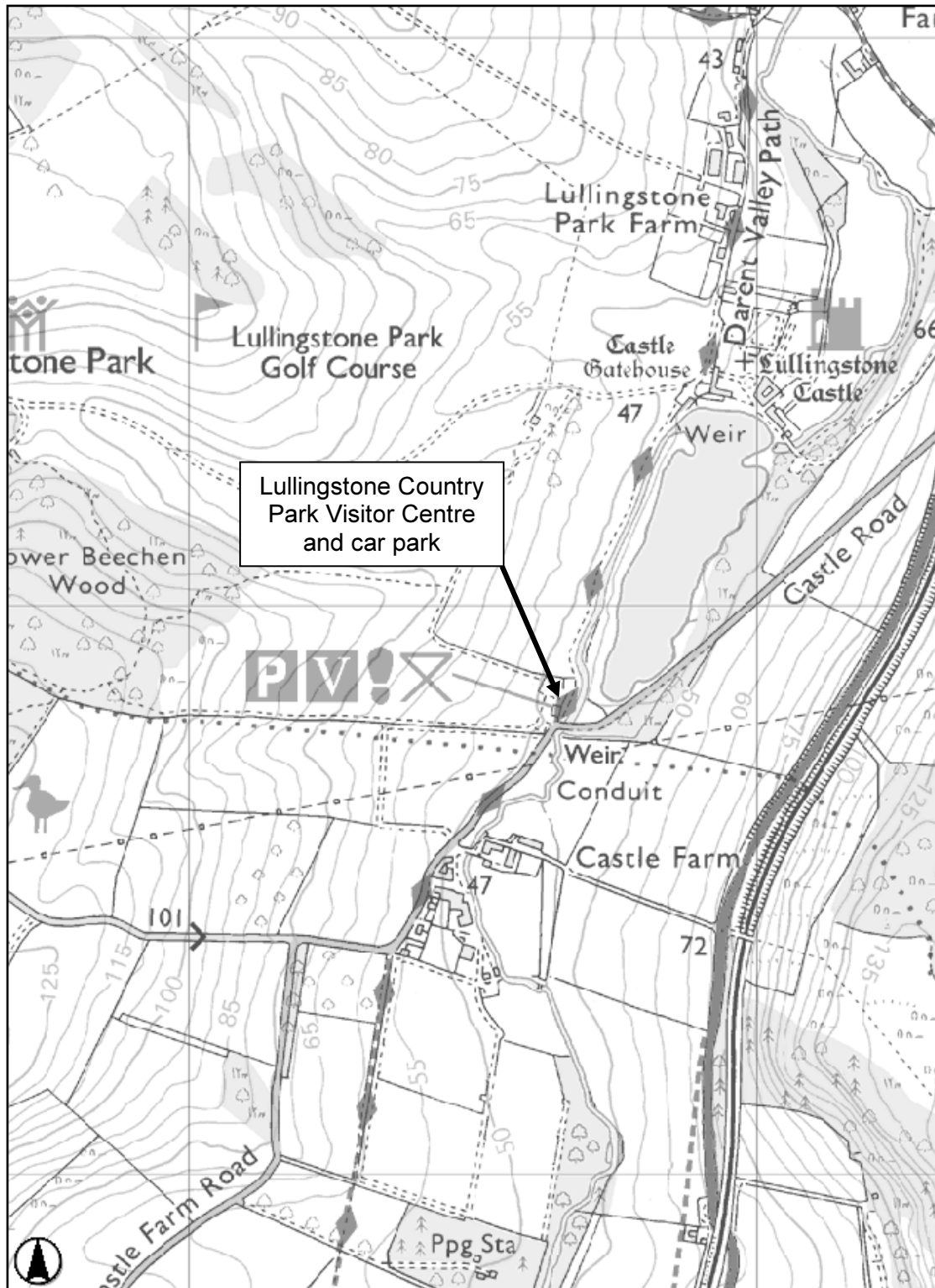
1. Lullingstone Country Park is a 460 acre site, located approximately 2.5km south of Eynsford village off the A225 Eynsford to Otford Road. Once a Medieval deer park of the estate of Lullingstone Castle, it is now a site used for public recreation as one of the Kent County Council's Country Parks. The site is located within the Kent Downs Area of Outstanding Natural Beauty and within the Metropolitan Green Belt. The Park consists of un-enclosed woodland pastures with scattered ancient oak trees, broad-leaved woodland, and a thick belt of trees along the River Darent.
2. Visitors come to the park and Visitor Centre for informal recreation as well as a range of organised activities. Within the Visitor Centre there is also a classroom which provides educational facilities. Courses are run within the Visitor Centre for all age groups from primary to adult, to learn about all aspects of the countryside. A site location plan is attached.

**Background/relevant planning history**

3. Prior to Kent County Council running the facility, the site was managed by Sevenoaks District Council who in 1991 opened the purpose built Visitor Centre. The District Council had a remit to provide visitor facilities with interpretive space, environmental educational facilities, catering, gift shop and public toilets. A dedicated educational ranger was employed to provide environmental educational sessions both inside the classroom and outside in the Country Park. Due to an increase in school party bookings, an additional planning application was made to Sevenoaks District Council, under planning reference SE/97/2490, to increase the footprint of the original building and to provide a purpose built classroom extension with toilet facilities for visiting groups. Planning permission was granted in 1997 and the classroom was built in 2000. The planning permission stipulated that the classroom should be used for the purposes ancillary to Lullingstone Park and its environs and not for unrelated commercial activities. It also stated that the classroom should be used ancillary to the educational purposes of the park. However due to budgetary cuts within Sevenoaks District Council the centre and Country Park was handed to Kent County Council in April 2005, which retained the existing staff and took over the management and day-to-day running of the facilities.

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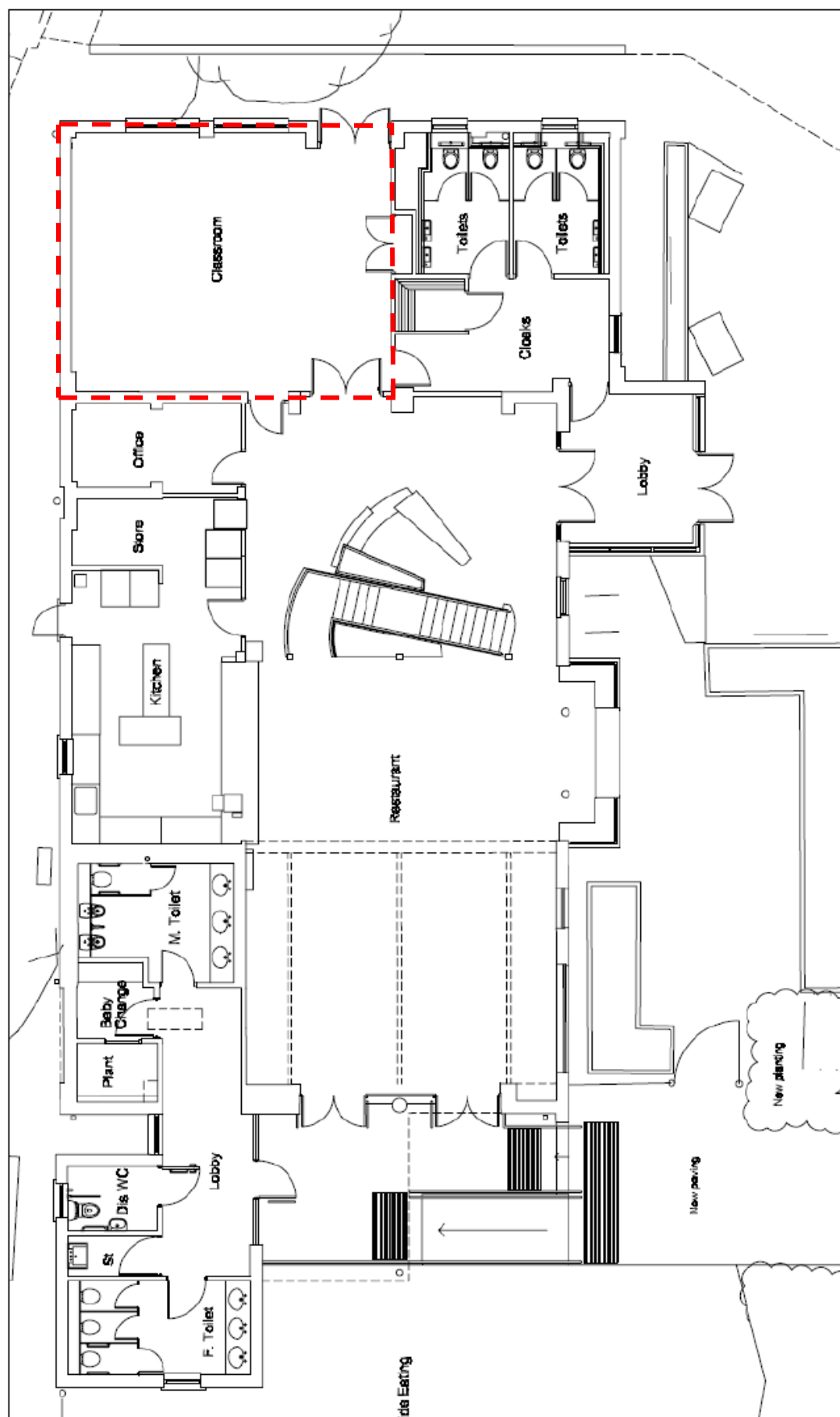
**Site Location Plan**



**Site Location Plan – Lullingstone Country Park, Eynsford**  
Scale 1:10000

### Item D3

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4. An assessment of the capacity of the classroom identified that the classroom was not being used for a significant amount of time and that this has been declining over the years. Data has been provided that showed that between April 2011 and March 2012 the classroom was used for educational purposes for 99 days throughout this period. Therefore the classroom was not used for the remaining 266 days. Between April 2012 and March 2013 the classroom was used for educational purposes for a total of 101.5 days and used for 10.5 days for children birthday parties. Therefore the classroom was not used for the remaining 253 days. The typical uses of this classroom include educational sessions; adult education; teacher training and operational uses. It has therefore been decided to apply for a change of planning use to expand the permitted use of the classroom in line with those at Shorne Wood, Trosley and Brockhill Country Parks.
5. The most recent planning application at this site was permitted under planning permission SE/08/1896 for an extension to the car park. It proposed to increase the number of parking spaces from a total of 85 spaces to 126 spaces. This also included an additional 2 disabled parking spaces.

**Proposal**

6. The current application requests a partial change of use for the classroom under which it was granted planning permission, to permit dual use for both educational activities and functions during periods when it is not fully occupied by educational bookings. Following an assessment of capacity as mentioned in the paragraph above, the applicant has identified that there is still a considerable period of time when the classroom is lying empty and under-used. This under-use has bought about the decision by the applicant to allow occasional bookings of the classroom for meetings and functions, such as:
  - Corporate business use hire for team meetings and seminars;
  - Corporate and in-house Kent County Council training team to hire the room for staff training sessions to include Health and Safety training, First Aid and other staff training courses requiring a function room;
  - Corporate team building events using the room as a base but using the Park for bushcraft, geocache and outdoor environment themed events;
  - Launches for relevant products and events;
  - Children and adult birthday parties room hire;
  - Receptions for weddings, christening and other gatherings;
  - Hire of the room for Adult Education and children's learning activities;
  - Early evening bookings for local Scouts and other youth groups;
  - Early evening bookings for groups and organisations, and
  - Any other suitable bookings.
7. The applicant intends to continue to use the classroom principally for educational purposes. The Park's environmental education packages include a range of modules aimed at Key Stage 1 and 2 children, focusing on habitats, sustainability and natural play (Forest School) and the park will continue to expand the educational offerings at the Park. The Park is also currently working on providing NVQ level qualifications in countryside management and land-based studies, and has also developed accredited awards to train teachers in conducting Forest School activities. However the key objective of all the educational activities that are offered at the Country Park is aimed to get young people outdoors learning about and enjoying the environment around them. As such, many of the activities are designed to take place primarily outside in the Park

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and so the classroom is not always required. In addition to that, the Park is also now able to offer environmentally themed birthday parties, using the classroom as a gathering point and somewhere to have lunch, but also taking the children out into the Park for activities such as mini-beast hunts, pool-dipping and bush craft. This is proving to be a great success and brings in business particularly at weekends when the classroom is most under used.

8. The applicant has noted that other Kent Country Parks have been expanding their functions offerings by encouraging functions' attendees to use the Park as well whilst they are there. These Parks have developed a range of team-building activities in the Park which businesses can take part in either as an add-on meeting or for a full day. This includes ranger led guided tours, geocaching (an electronic treasure hunt around the Park), orienteering and volunteering activities. This is proving to be a particularly good way to encourage people who would not normally experience the countryside to get out and enjoy the Park. That also encourages repeat visits with their families later on. This is something the applicant would also like to introduce and encourage at Lullingstone Country Park.
9. The classroom which is the subject of this planning application is approximately 45 square metres in size and can accommodate around 40 delegates/attendees. The applicant notes that the existing Country Park is very well located in terms of its accessibility onto the highway network. The Country Park is accessed from Eynsford on the A225 towards Otford. The Park is well signposted with brown tourist signs. Access from the A225 is via Castle Road, which is a country lane that easily accommodates two way traffic and regularly accommodates 52 seater coaches and horseboxes and weekly deliveries from lorries and vans to the onsite café. The site is also well catered for in terms of parking provision with an existing visitors' car park totalling 126 spaces. Furthermore, the applicant has considered that given the majority of functions would take place Monday to Friday, which are the Park's quietest days, they do not foresee that there would be any parking issues in terms of space constraints.
10. The applicant considers that on the basis of school trips being mostly seasonal, they feel that the classroom can be managed in such a way as to be able to deliver both education and functions without adversely impacting on each other. An example of such day-to-day management has been highlighted within the application to include the prioritisation of educational bookings within the classroom between May and June, the peak school visits time of the year.
11. The applicant sets out that the maximum hours of use of the function room would not exceed 08:00 to 22:00 seven days a week as part of these proposals. However it has become apparent from the other Country Parks, that usage outside of daylight hours is minimal.
12. Whilst the applicant recognises that the intended change of use of the facility would represent a partially commercial use of the classroom, they have confirmed that it is not the intention of the facility to generate a profit or detract from the principle use of the classroom as an educational/interpretation facility. Instead, running functions within the classroom has the potential to generate a reasonable amount of income to the Park to directly offset its running costs and help allow to keep the Park open as a public service. Hence this is the reason why this planning application has been submitted to the County Council for determination.

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**Planning Policy**

13. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out in:

**National Planning Policy Framework (March 2012)** sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to the development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF contains a presumption in favour of sustainable development, identifying 3 overarching roles in the planning system – economic, social and environmental, which are considered mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objections covering the following matters is particularly relevant:

- consideration of whether opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

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- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the protection provided for open space, including playing fields;
- the great importance the Government attached to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open. Great weight should be given to conserving landscape and scenic beauty in (amongst other designated areas) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty, and
- conserving and enhancing the natural environment.

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

**14. Sevenoaks District Local Plan: Adopted 2000:**

**Policy EN1 -** Proposals for all forms of development and land use must comply with the policies set out in this Plan, unless there are overriding material considerations. Scale, height, design, layout, retention of important features (such as trees), residential and local amenity, access and parking are just some of the criteria which should be considered in the determination of a planning application.

**Policy EN6 -** The Kent Downs and High Weald Areas of Outstanding Natural Beauty are shown on the Proposals Map. Development which would harm or detract from the landscape character of these areas will not be permitted.

**Policy VP1 -**Vehicle parking provision in new developments will be made in accordance with KCC adopted vehicles parking standards.

**Sevenoaks District Core Strategy: Adopted February 2011:**

**Policy LO8 –** Seeks to maintain the extent of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting will be conserved and enhanced.

**Consultations****15. Sevenoaks District Council raises no objection to the application.**

**Eynsford Parish Council –** raises an objection to the application on the basis that it does not provide enough information about the days and hours of use, and the type/class of use is not specified in sufficient detail. The Parish Council would like to see what would not be allowed as well as what would be allowed. They would also like to see the relevant change of use spelt out.

Upon sending the Parish Council additional information to answer the questions raised in their first reply, the following subsequent reply has been received:

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‘The Parish Council still objects to this application due to the inclusion of adult parties, functions and celebrations. They do not wish to see adult parties or functions held at the visitors centre as they feel it would be an inappropriate use of this location.’

**Shoreham Parish Council (adjacent Parish Council)** – raises an objection to this application on the basis that it is a radical departure from the original use under which planning permission was granted.

Further correspondence was undertaken with the Parish Council to explain more about the proposed change of use and the following reply was received:

‘The Parish Council does not wish to alter the decision to recommend refusal and is even more convinced in the light of the further information that the proposed development is creating a commercial proposition and change of use.

**KCC Highways and Transportation** – raises no objection after having considered the development proposals and the affect on the highway network.

**Local Member**

16. The local County Member, Mr. R. Gough, was notified of the application on the 30 August 2013.

**Publicity**

17. The application was publicised by the posting of 3 site notices. There are no properties within the immediate vicinity of the application site although the nearest property which is located over 250 metres away was notified of the application.

**Representations**

18. No representations to the application have been received by Kent County Council. A representation was sent to Sevenoaks District Council by CPRE (Campaign to Protect Rural England), which can be summarised as:

- This represents a further dilution of the purpose for which the Visitor Centre was granted planning permission.
- The educational aspect is plain but ‘functions’ is too vague and could be interpreted or justified on an ad hoc basis.
- Wonder whether a change of use is in fact necessary when maybe greater effort should be taken to promote the classroom properly and to use it more efficiently for the original purpose, not to change its use.
- There is plenty scope for suitable lettings which would not conflict with the existing use.

**Discussion**

Introduction

19. In considering this proposal regard must be had to Development Plan Policies outlined in paragraphs 13 and 14 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the



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Development Plan unless material considerations indicate otherwise. Therefore this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case relate to any impacts associated with the partial change of use of the classroom within the existing Visitor Centre in terms of additional highway movements, the acceptability of the proposed development given the Visitor Centre location within the Metropolitan Green Belt, together with associated impacts arising from the proposal in terms of the Kent Downs Area of Outstanding Natural Beauty (AONB) designations.

20. The application seeks planning permission for the partial change of use of the classroom within Lullingstone Country Park, to allow meetings, launches, receptions, parties and other functions to be held within the classroom in addition to its existing use as an educational/interpretational centre. The application proposes no built development as part of these proposals and is purely based on a change of use of the existing classroom space within the Visitor Centre. The application is being reported to the Planning Applications Committee as a result of the objection received from Eynsford Parish Council and the neighbouring Shoreham Parish Council. Both objections can be seen in paragraph 15 above.

**Metropolitan Green Belt**

21. Members will note that Lullingstone Country Park and indeed its Visitor Centre is located within the Metropolitan Green Belt. The overarching principles of the Green Belt, in terms of maintaining tight planning controls over any development taking place within the Green Belt is reaffirmed within the NPPF, section 9, paragraph 80 which states that the Green Belt serves five purposes:

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

The NPPF goes on to list in paragraph 90 forms of development that may not be inappropriate development within the Green Belt. One of these is for the re-use of buildings provided that these buildings are of permanent and substantial construction, provided that the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within the Green Belt.

22. In considering the impact of the proposed development on the Metropolitan Green Belt, it is noted that the proposal includes no physical 'built development' over and above the existing Visitor Centre and its associated car parking facilities. Therefore the overall openness of the Green Belt, its most important attribute, would not be compromised in any way by this proposal.
23. In this particular case, I consider that the applicant has been able to demonstrate the current under use of the classroom within the existing Visitor Centre building. They have provided details of the types of use the classroom which they would like to offer on a commercial basis in order to complement the primary role as an educational/interpretation facility, together with proposing a way in which to generate an amount of revenue from the building to put towards the day to day running of the Country Park as a public facility. Whilst I note concerns raised by both Parish Councils regarding the

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intended uses of the classroom having no direct connection with the Country Park, I recognise the current under-use of the classroom and the scope for hiring the room out for functions not directly related to education or the interpretation of the Country Park. I therefore see no reason, in principle, to the managed use of the classroom at times when it may otherwise be available for such purposes.

24. Members will note that the use of the site as a Country Park has long been established, and is itself in any case an 'appropriate use' within the Green Belt. Whilst the development proposed in this particular case is considered to be 'inappropriate development' within the Metropolitan Green Belt, and is unlikely to be permitted ordinarily within a Green Belt location should the proposal involve the construction of built development, I consider that the applicant has been able to demonstrate a case of need for the change of the classroom when it may otherwise be available. I therefore see no reason, in principle, to reject the proposal primarily on Green Belt grounds. Furthermore I consider that any change of use of the classroom would be ancillary to the use of the Visitor Centre as an educational/interpretation within the wider purpose of the Country Park as an 'appropriate use' within the Green Belt in terms of providing 'opportunities' to the outdoor countryside for sport and recreation.
25. Taking account of the proposal's impact on the Green Belt in particular, given that it proposes no built development which would otherwise impact upon the openness of the Green Belt, I consider that the justification put forward by the applicant and the ancillary nature of the development when considered against the wider purposes of the building as an educational/interpretation centre within the Country Park amount to a very special set of circumstances capable of outweighing the presumption against inappropriate development. For this reason, I consider that the proposal accords with the general presumptions contained within the National Planning Policy Framework covering Green Belt Policy and Sevenoaks District Core Strategy Policy L08.

Site Designations

26. Members will note that Lullingstone Country Park Visitor Centre is also located within the Kent Downs Area of Outstanding Natural Beauty. However as noted the proposal includes no form of built development and therefore there are no visual or ecological impacts to consider as part of this development. It is therefore considered that any impact resulting from the proposed change of use would be negligible on the Kent Downs. For this reason, I consider that the proposal accords with the general principles contained in Sevenoaks District Local Plan Policy EN6 and Sevenoaks District Core Strategy Policy L08

Transport issues

27. The existing Country Park and its Visitor Centre benefits from a car park consisting of a total of 126 car parking spaces, which includes 6 disabled bays and 3 coach bays. It also has a dedicated secure motorbike area. The current proposal seeks no alteration to the level of existing parking provision on site as the applicant considers that the level will be adequate to accommodate both visitors to the Country Park and its Visitor Centre, whether that be for meetings, launches, parties or for educational functions as originally intended.
28. Members will note that the Highways and Transportation Manager has raised no objections to the proposed change of use. I am therefore minded to agree with the professional advice received and on this basis would not seek to raise an objection to

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the proposed development on the basis of highway matters, and consider that the proposal is in general conformity to Sevenoaks District Local Plan Policy VP1.

Other Issues

29. It is noted that Shoreham Parish Council has raised concern that the proposed development is now creating a commercial proposition and too great a change of use. I consider that in the case of this proposal, the applicant has been able to demonstrate a suitable use for the classroom at times when it may otherwise be vacant, which would bring in an income to help further reduce public funding of the site in terms of the day-to-day running costs of the Country Park as a public service and therefore the provision of a facility for public access. This approach would therefore appear to be a sensible use of public funding in terms of reducing day-to-day running costs of an existing important public service whilst maximising the use of the classroom at periods when it may otherwise be vacant.
30. It should also be noted that the applicant is applying for a change of use of the classroom for which it was granted planning permission for in 1997. At that time, the permission stipulated that the classroom is only used for educational purposes restricted to the use of the Country Park. Due to an under-use of the classroom, the applicant is requesting greater flexibility in the types of functions that could be allowed for the classroom. These functions are listed in paragraph 6 above. It must be noted that the use of the classroom for educational facilities would take preference over other bookings and I am mindful that the applicant has been proactive to promote the use of this classroom for education purposes. I would therefore not raise an objection to this proposal on this particular point raised by the Parish Council.
31. Whilst the Parish Councils may be concerned that the proposed change of use is a 'step too far', it is important to bear in mind that the additional types of activities envisaged are not significantly different in terms of impact than those already taking place at the Centre. Moreover, it would be necessary to demonstrate some actual harm to justify refusal of this proposal, and so far none has been advanced. In particular, there are no nearby residents likely to be adversely affected, the impacts on the Green Belt and Area of Outstanding Natural Beauty are minimal and by no means alien in functional terms, and the existing transport network and parking facilities can readily accommodate the marginal increased activity. It is not uncommon for there to be concerns over potential loss of business for other local community facilities, and this was also raised in the context of Shorne Wood Visitor Centre, but after three years of such wider use there have been no complaints or evidence to substantiate such claims. Whilst competition between different operations is strictly not a material planning consideration, I consider that such concerns are often greatly exaggerated and prove to be unfounded because the Country Park Visitor Centres tend to attract activities that would not otherwise have resorted to that area at all otherwise, and the other local facilities continue to cater for those activities already being hosted.

**Conclusion**

32. The proposal seeks to supplement the current use of the classroom within the existing Lullingstone Country Park Visitor Centre when it may otherwise be under-used or vacant. The Country Park is located within the Metropolitan Green Belt and within the sensitive areas of the Kent Downs Area of Outstanding Natural Beauty. Whilst it is noted that the use of the room for meetings, launches, parties and receptions would not in themselves constitute 'appropriate' uses within a Green Belt location, I consider that

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the applicant has been able to demonstrate a set of very special circumstances to warrant the setting aside of the general presumption against the development in this instance. I consider that the proposed change of use would complement the existing educational/interpretation role of the Visitor Centre and be ancillary to the site's main purpose in providing opportunities for leisure and recreation within the countryside, together with any additional benefits of generating a revenue stream to help sustain the day-to-day running of the Country Park as a public facility, and therefore the proposed change of use should not be presumed against on Green Belt grounds alone. Furthermore, I note that given the proposals do not include any aspect of built development there would not be any noticeable impact on the sensitive areas of either the Kent Downs Area of Outstanding Natural Beauty or the local landscape generally. Overall, I am of the opinion that the proposed development would otherwise be in accordance with the general aims and objectives of the relevant Development Plan Policies and is a sustainable development. I also do not consider that the proposal would have any significant detrimental impact on local/residential amenity or as a result of transport movements.

**Recommendation**

33. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT to the imposition of conditions, including the following:

- The standard time limit;
- The development is carried out in accordance with the permitted details;
- The use of the classroom be solely used for the uses applied for and no other uses shall take place unless otherwise agreed in writing by the County Planning Authority;
- Hours of use of the classroom to be limited to 08.00 and 22.00 hours, seven days a week.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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