

Mrs S. F. Moss
Clerk to the Council

Tel: Longfield (04747) 3028.

Dene Cottage
Valley Road
Fawkham
Dartford DA3 8NA

Dear Resident

40 ACRES - PLANNING APPEAL - 22ND SEPTEMBER, 1987

This letter is to remind you that a Parish Council Meeting will be held at 8.00pm on Thursday, 17th September at the Village Hall.

The Planning Appeal referred to above will be discussed at this meeting where the latest position will be reviewed.

Parishioners will wish to know that in response to their request, professional assistance has now been engaged. You may also wish to know that Mrs Bailey has received a number of representations in response to our earlier note. She is currently co-ordinating transport arrangements to the enquiry and we are advised that she will also be attending this meeting.

For those of you who are unable to attend, we invite you to demonstrate your concern by personal attendance at the enquiry or by writing to The Chief Executive, Council Offices, Argyle Road, Sevenoaks, TN13 1HG, outlining your objections to the proposed development.

Yours sincerely

B. Hollands

S. B. Radcliffe

Fawkham Parish Council

H. Hall *B. Dennerman*
Ken F. Allen

31. 623 - 8899 .

IMPORTANT NOTICE

HARTLEY AND FAWKHAM UNDER PRESSURE

As you have no doubt been notified, Messrs. F.C. Stark Limited (R.J. Billings) is appealing against the refusal of Sevenoaks District Council to permit the development in green belt of 22 hectares of land (54.36 acres!) bordered by Fawkham Road, Castle Hill, Banckside, Downs Valley and Bramblefield Wood. The appeal is due to be heard at Sevenoaks District Council offices, Argyll Road, Sevenoaks, commencing on Tuesday, 22nd September, 1987 at 10.00 a.m. and is likely to last for approximately 4 days.

This development, if permitted, will have a disastrous effect on both parishes, bearing in mind that this is the biggest proposed development since New Ash Green and, already, the amenities of the area are stretched beyond their limits.

The usual olive branch has been offered by this developer, i.e., open spaces dedicated to the public, a new road through to the Fawkham valley, etc., but this does not conceal the fact that it is believed that any permitted development of the area would be an act of environmental vandalism showing little or no regard for the neighbourhood and would be for the sole purpose of personal profit for such a developer.

We already have the open spaces, albeit not dedicated to the public which may not be such a bad thing inasmuch as the district council is not exactly noteworthy for its maintenance of open spaces, for example, the grass verges in Parkfield have been cut twice only this year and, further, if an additional link road between Fawkham and Hartley is required, then we should lobby the appropriate authority as this proposed development is far too high a price to pay for such a facility.

Both the district council and the parish councils intend to vigorously oppose this appeal, as follows.

The district council is due to be represented by its own solicitor.

Hartley parish council will be represented by a planning consultant and a solicitor to put forward its objections to this development the cost of this representation is to be met from the Hartley parish rate.

This action is highly commendable but it should be pointed out that in the matter of the Rectory Meadow appeal on 20th June, 1984, the appellant fought his case unsuccessfully using professionals of similar disciplines. At that appeal, the district council was represented by its solicitor; members of the Hartley parish council made direct representation to the inspector and the residents of Banckside and other properties adjacent to the appeal site were represented by a barrister, a solicitor and a chartered surveyor at their own expense.

The appeal was defeated overwhelmingly, principally on the green belt issue, and an advance notice of the decision was provided the day following the appeal and the result obtained was indisputably greatly assisted by the professional representation provided by the residents who worked in conjunction with the district and parish councils.

Of course, it cannot be guaranteed that similar representation will produce a similar result at another appeal as the circumstances and grounds for each case are likely to be different.

Fawkham parish council is to be represented by a solicitor and a barrister and, although it is to contribute a substantial sum towards the cost of this representation, it is likely that this will be a few thousand pounds short of the total costs and the balance will be made up by the residents and other supporters.

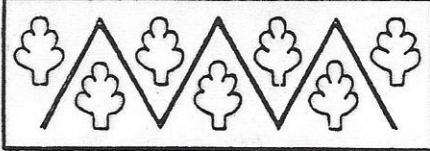
What can the residents do to assist to defeat this appeal?

1. Write in support of the district and parish councils to the Inspector, planning appeal by F.C. Stark Limited (22/9) c/o The Chief Executive, Council Offices, Argyll Road, Sevenoaks, TN13 1HG outlining your objections to the proposed development.
2. Attend at the appeal to indicate your support and sign the attendance register or even ask to be heard or volunteer to give evidence on behalf of your respective professional representative.
3. Assist the residents of Fawkham by making a contribution to their costs which can be done by going directly to Barclays Bank in Longfield and paying in an amount to "The 40 Acre Fund". (It should be noted that if the appellant should withdraw his appeal, all sums paid in will be repaid to the contributors).

The support of the residents of the area is being coordinated by Ray Carter for Hartley of 21 Banckside and Carol Bailey for Fawkham of Churchdown Farm and it is in the interests of us all that we make just a little bit of an effort to protect our environment from unwanted over-development.

All enquiries to local coordinators as above.

Published by Peter Cooke, a resident of Hartley for twenty years and chairman of the previous residents association for the Rectory Meadow appeal in 1984 (telephone office - Crayford 526911).

SEVENOAKS

DISTRICT COUNCIL

COUNCIL OFFICES,
ARGYLE ROAD,
SEVENOAKS,
KENT TN13 1HG

DX 30006 SEVENOAKS

Mrs. C. Bailey,
Churchdown Farm,
Fawkham,
Kent.

TEL: SEVENOAKS 459711
EXT: 245
ASK FOR: Mr. Leggett
DEPT: Chief Executive's
MY REF: BSL/JVC/SE/86/714
YR REF:

DATE: 21st August 1987

Dear Sir/Madam,

Town and Country Planning Act 1971 - Appeal by F.C. Stark Ltd.
Proposed Development: Residential development, creation of public open space and road improvements on approximately 22 hectares of land bordered by Fawkham Road, Castle Hill, Banckside, Downs Valley and Bramblefield Wood, Fawkham and Hartley

An Appeal under Section 36 of the Town and Country Planning Act 1971 has been lodged with the Secretary of State for the Environment by F.C. Stark Ltd. against the decision of the Council to refuse to grant planning permission in respect of the development referred to above for the following reasons:-

1. The proposal is contrary to Policy SP2 of the Kent Structure Plan, as approved by the Secretary of State for the Environment, which states that in meeting the housing requirements (quantified in Policy HE1) in areas where existing provisions are adequate and in the rural areas, there will be a general presumption against further development of fresh land. The District Planning Authority does not consider that there is any justification in the circumstances of the present application for overriding this policy.
(p3)
2. The proposal is contrary to Policy MGB2 of the Kent Structure Plan, as approved by the Secretary of State for the Environment, which states that within the Green Belt there will be a strong presumption against permitting new development outside the presently defined extent of urban areas and the present built up extent of any village, unless it conforms with the open recreation functions of the Green Belt or is directly related to agriculture or other uses appropriate to rural areas. The District Planning Authority does not consider that the proposed development falls within any of these specified classes of development.
(p7)
3. The proposal is contrary to Policy RS1 of the Kent Structure Plan, as approved by the Secretary of State for the Environment, which states that in rural areas, residential development outside the confines of villages and small rural towns, will not be permitted unless the site has been identified for this purpose in a local plan or, in the absence of a local plan, there is a special local justification. The District Planning Authority does not consider that the proposed development fulfils any of these requirements.
(p12)

4. The proposal is contrary to Policy RS4 of the Kent Structure Plan, as approved by the Secretary of State of the Environment, which states that in order to restrict building at hamlets and to prevent further sporadic development, new development will not be permitted in rural Kent outside the small rural towns and villages unless:-

- (i) that development is demonstrated to be necessary to agriculture, forestry, the winning of minerals or other land use which essentially demands a rural location;
- (ii) it relates to an acceptable change of use of oast houses, agricultural barns or other buildings either for small scale businesses, or otherwise where the change would restore buildings which are of architectural or historic interest, and which lend to the character of the Kentish countryside;
- (iii) it relates to the rebuilding or modest extension of an existing dwelling, currently in residential use and in an appropriate location; or
- (iv) it is the provision of educational or recreational facilities, institutional uses such as hospitals, cemeteries or development to improve the social functioning of the settlement to which it relates.

The District Planning Authority does not consider that the proposed development fulfils any of these requirements.
(p16)

5. The proposal is contrary to Policy CCl of the Kent Structure Plan, as approved by the Secretary of State for the Environment, which states that development which will cause a loss of productive or potentially productive agricultural land, or reduce the viability of farm holdings, will not be permitted unless it can be demonstrated that the need for the development overrides agricultural considerations and no alternative site on non-agricultural land is available. The District Planning Authority does not consider that this has been demonstrated in this case.
(p18)

6. The proposal would be detrimental to the visual environment and would detract from the character of the area.
(s1)

7. The proposal would be detrimental to the residential amenities of the area in that it would detract from the outlook, privacy and enjoyment of occupants of Parkfield, Banckside, Castle Hill, Fawkham Road and Ash Road.
(u2)

8. The proposal would be likely to create additional hazards to traffic.

9. The proposal is contrary to Policy TP12 of the Kent Structure Plan, as approved by the Secretary of State for the Environment, which states that a general presumption will be adopted against any proposed development outside built-up areas that generates vehicular or pedestrian traffic. This presumption will only be set aside where an

overriding case can be made in the context of the County Council policies for agriculture, rural settlement, conservation, recreation, tourism, minerals, waste disposal and derelict and despoiled land. (x10).

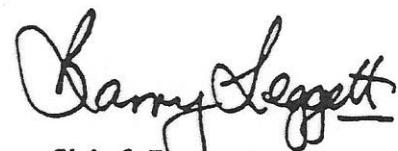
10. The proposal would lead to increased hazards for traffic on Fawkham Valley Road, which is unsuitable for any further intensification of use.

The representations of the parties to the appeal will be heard at a Local Inquiry at Council Offices, Argyle Road, Sevenoaks, on 22nd September 1987 at 10 a.m. You may attend at the Inquiry and, at the Inspector's discretion, give your views in person. If you cannot or do not wish to attend or have someone attend on your behalf, you may submit your views in writing. Correspondence should be addressed to The Inspector, Planning Appeal by F.C. Stark Ltd. (22/9), c/o The Chief Executive, Council Offices, Argyle Road, Sevenoaks, Kent and should arrive before the date of the Inquiry. Written representations will be made known to the parties to the appeal and are liable to be read out at the Inquiry.

The deposited plans of the proposed development, together with the written statements of submissions may be inspected by appointment at the Council Offices, Argyle Road, Sevenoaks, Kent. Please note that the Secretary of State will send a copy of the decision on this Appeal only to those persons who ask him to do so.

If you are not the Owner/Occupier of your property, please pass this letter to the Owner after first noting its contents.

Yours faithfully,


for
Chief Executive

Bearing in mind the factual matters set out above and the evidence and submissions, I consider that the principal issues in the appeal are the contribution of the appeal site to the green belt and its functions, and the special circumstances put forward by the appellants to justify the development of the site.

It was not disputed by the appellants that the site lies in an area to which green belt policies should be applied, although there was some discussion about the precise status of the green belt designation. Whether or not it is to be regarded as an area where the boundary is to be fixed in a future local plan, I consider that the green belt policies are to be applied fully. Accordingly, there is a strong presumption against the development of the appeal site.

With regard to the first issue that I have identified, the appeal site is in an extremely prominent and significant position. It forms one side of the head of the Fawkham Valley before it is closed by the railway viaduct and the developed area of Longfield, and with the western side presents a wholly rural aspect, being open and largely in agricultural use. Scattered buildings on the west side of Fawkham Valley Road do not significantly diminish this rural character.

The appeal site is a large open stretch of ground, with some trees and hedges, bounded on the north by a deep swathe of trees, Bramblefield Wood, which is interrupted only by the occasional individual building. On the east, where the site begins to fall away in that direction, houses in Downs Valley and Banckside, forming the western boundary of Hartley, are not visible from the valley road, and only the roofs of some 5 or 6 houses are just apparent amongst the distant trees in the horizon beyond the ridge of the site from the highest point of the public footpath where it enters Churchdown Wood opposite (Photograph 1). To the south, the handful of dwellings on the west side of Castle Hill and the ribbon of development on the east are largely concealed by mature trees, so that one is not aware of the extent of development in this area. Thus, the site is located in an area wholly rural in character, and it is not correct to regard it, as the appellants do (6.22), as an enclave within developed areas.

Insofar as the site lies between the developed areas of Longfield (Bramblefield Close), of Hartley (Banckside and Downs Valley), and of Fawkham (Fawkham Valley Road and the western end of Castle Hill) it seems to me that it functions to keep these settlements apart. I do not regard the continuity of the ribbon of development on Castle Hill as effectively joining Fawkham and Hartley, since it is only at this point, and only one side, that in any sense they touch. It seems to me that there is a distinct change in character in Castle Hill a little west of Hartley Green, where the more densely built-up area on both sides gives way to the country lane with houses behind high hedges on one side and woods and fields on the other. This point falls close to the boundary of the green belt.

In these circumstances, I am satisfied that the appeal site performs to a substantial extent the valuable green belt function of preventing the coalescence of settlements and the encroachment on the countryside. The Structure Plan Explanatory Memorandum refers specifically to restricting the growth of Hartley (7.4). The absence of any special designation, such as area of outstanding natural beauty does not diminish the importance of the green belt functions of the appeal site.

The proposed houses would cover the eastern half of the appeal site, lying astride the flat ridge which runs about a quarter of the width of the site from the eastern boundary, and would also run down into the valley in the southern half. This would have 2 principal consequences for the green belt functions. First, it would link Hartley by a solid area of development with the western section of Cast Hill and the area of the parish church, and it would leave Bramblefield Wood as a narrow belt between 2 developed areas, thus effectively merging the 3 settlements. Secondly it would extend development, which would remain obvious and prominent in spite of any landscaping, into a substantial area of the essentially rural valley. It would be wrong, therefore, to permit the proposed development unless there were special circumstances to outweigh these objections and the presumption against development in the green belt.

The appellants have argued that there are special circumstances in 3 areas, the need for housing land, the status of the green belt and its relation to the provision of land for housing, and the benefits alleged to arise from the development.

The appellants do not argue that there is now a shortage of housing land up to 1992, although they say that the situation is tight (6.6). However, they consider that in order to make the provision required by the Second Review there will have to be release of green belt land, and that in the absence of a local plan this must be through the development control process, since it will very soon not be possible to maintain a 5 year supply (6.7). It seems to me that the council has rightly regarded the Second Review as of little weight at its present stage, and that it would be wrong to release green belt land now, when there is an adequate supply of land, in anticipation of alterations to the Structure Plan which are still subject to amendment. It is quite inappropriate to speculate on the attitude of the Secretary of State in his consideration of the potential conflict between housing land requirement and the Metropolitan Green Belt. In this context, the council is right to say that the grant of planning permission would be premature.

The appellants argued that the green belt boundary had been fixed a long time ago and would have to be amended: the council conceded that substantial green belt land would have to be released if the requirement of the Second Review were approved (7.17). The appeal decision of the station field site was considered by the appellants to indicate that the green belt was interim pending definition (6.12), and that the final definition could only be made in the context of other requirements of the Structure Plan.

It seems to me that the proper route for resolving these problems is through the structure plan and local plan process; while the conclusion of this process may be some way off, it seems to me that at a more advanced stage these plans will give some guidance. I do not accept the appellants' arguments as outweighing at the present time the strong presumption against development in the green belt.

With regard to the benefits claimed for the development, I am not convinced that the provision of starter homes, when there is a supply of houses for sale at less than £55,000, or the improvements to the highway, which are accorded a low priority by the county council, or the provision of public open space in the open countryside, are significant benefits which should outweigh the strong presumption to which I have already referred.

For the reasons set out above, I have reached the conclusion that planning permission should not be granted for the proposed development of the appeal site, and I recommend accordingly.