

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

20 JULY 2005

Report of Chief Solicitor

Part 1- Public

Matters for information

1 PLANNING APPEAL DECISIONS

1.1 Site **Birchin Napps Farm, Long Mill Lane, Platt**
Appeal **Against the refusal of permission for the erection of a replacement dwelling and garage, construction of new access road and landscaping**

Appellant **Mr R Smith**

Decision **Appeal allowed in part and dismissed in part**

Background papers file: PA/88/04

Contact: Cliff Cochrane
01732 876038

- 1.1.1 The Inspector considered the main issue to be whether the development would accord with policies designed to protect the Green Belt.
- 1.1.2 The existing house stands in a large open plot in an elevated position behind an estate of new houses and apartments, built on the site of the former Invicta Sawmills. Permission was granted in 2001 for its extension but a replacement dwelling is now sought, orientated to face south west with a separate triple garage.
- 1.1.3 Replacement dwellings in the Green Belt may not be inappropriate development, providing that the new dwelling is not materially larger than the dwelling it replaces. The appeal proposal would only represent a minor increase in floor area and the Inspector accepted that this increase relates to the existing house when extended, but as that permission could be implemented, it seemed to be realistic to accept that as the starting point.
- 1.1.4 The proposed house would be about 600mm taller than the existing but, having regard to the particular attention paid to its design, appearance and layout to reflect the local Kentish vernacular, the Inspector did not consider that it would appear materially larger or more bulky. She particularly noted on her site visit the substantial size, and heights of the houses built on the adjoining site. She was satisfied from what she saw that in terms of its scale, bulk, size, massing, siting and detailed design the new house would have no greater visual impact on the character of the surrounding countryside or the wider rural landscape and would not harm the openness of the Green Belt nor its purposes. She therefore concluded that the proposal for a replacement dwelling would accord with SP and

LP policies for the Green Belt and with general policies seeking a high quality of design and detailing in development in the countryside.

- 1.1.5 The proposed access to the new house would utilise part of an existing track, which serves an agricultural building, then it would cross an open field next to the existing residential curtilage, from where its extension would be permitted development. The Inspector had considerable concerns about the impact of this alignment. The house is in an elevated position and the track slopes up from the road between a fence and vegetation bounding the garden of a frontage property and an open field. Although it is proposed to construct the drive in an “informal manner”, and the Inspector accepted that its surfacing could be conditioned, the middle part through the field is open and she was not satisfied that the work necessary to provide an access and its use would maintain the openness of the Green Belt and would therefore be inappropriate development in the Green Belt.
- 1.1.6 The Inspector concluded that whilst she was satisfied that the replacement dwelling would comply with policies for the Green Belt and the countryside and would not adversely affect the surrounding area within the SLA, in her opinion the new access road would not maintain the openness of the Green Belt and would be inappropriate development. She did not consider there were any other considerations sufficient to outweigh the harm by reason of inappropriateness as to amount to very special circumstances to justify inappropriate development.

1.2 Site **The Old Rectory, Oxley Shaw Lane, Leybourne**
Appeal **Against the refusal to grant express consent for 5 advertisement signs**
Appellant **The Spirit Group**
Decision **Allowed in part – express consent granted for 3 signs**
Background papers file: PA/16/05 Contact: Cliff Cochrane
01732 876038

- 1.2.1 The Inspector considered the main issues in the appeal to be the visual impact of the signs on the premises and their wider impact.
- 1.2.2 The appeal signs would replace existing unauthorised signs, which would have fairly muted colours, in gold and black.
- 1.2.3 Sign 1 although occupying an open position on the grassed frontage, would be sited well back from the road, in approximate parallel position to it. Advance views of the sign would be restricted by the tall evergreen hedge along the southern boundary of the premises. Given its muted colours, traditional timber construction and the proposed absence of any illumination, the Inspector considered that the sign would not stand out with undue assertiveness on the frontage.
- 1.2.4 Sign 2, although having a fairly elevated position, would occupy a site where a sign had previously been displayed. In the Inspector’s view its design would be in keeping with the chimney breast and the sign would appear as a fairly modest feature there. Its black background would not be strident against the lighter tones of the stonework and the gold coloured elements of the sign would compliment that of the more elevated lettering on the frontage gable at higher level.

- 1.2.5 Similar considerations apply to sign 3, a modest feature, neatly sited at low level adjacent to the public house entrance. The Inspector considered that its presence would also not be intrusive, even when illuminated after dark.
- 1.2.6 Signs 4 and 5 would take the form of modern box like features . Set forward of the attractive arched stone entrance to the restaurant, the Inspector considered that, because of their uncompromisingly modern design and general appearance, emphasised by the internally-illuminated elements on them, these fairly tall free-standing signs would look out of place on the premises.
- 1.2.7 The Inspector concluded that the display of the two free-standing signs by the restaurant entrance (signs 4 and 5) would be against the interests of amenity. Subject to conditions, the display of the three other signs would not be detrimental to the interests of amenity.

1.3 Site **Land off Borough Green Road, Ightham**
 Appeal **Against the refusal of outline planning permission for residential development and access**
 Appellant **K G Haward**
 Decision **Appeal dismissed**
 Background papers file: PA/02/05

Contact: Cliff Cochrane
 01732 876038

- 1.3.1 The Secretary of State considered the Inspector's report and determined that the main issues are:
- The relationship of the proposed development to policies in the Development Plan for the area;
 - Whether the proposal would amount to inappropriate development in the Green Belt having regard to PPG2 "Green Belts" and, if it is inappropriate development, whether any other factors exist that would amount to very special circumstances sufficient to clearly outweigh the harm by reason of inappropriateness and any other harm;
 - The effect of the scheme on the landscape of the surrounding countryside; and
 - Whether the site is accessible by a choice of modes of transport.

Green Belt

- 1.3.2 The Secretary of State agreed with the Inspector that the proposal would be inappropriate development within the Green Belt and therefore, by definition, harmful. The site is currently undeveloped open land and hidden from close view. The access into the site and the development of the land for housing would clearly impact on the openness of the Green Belt and conflict with both national and Development Plan policies on the Green Belt.

- 1.3.3 The Secretary of State agreed with the Inspector that, in terms of the purposes of including land in the Green Belt, development on this site would result in an encroachment into the surrounding countryside and a substantial intrusion into the narrow gap between the villages of Ightham and Borough Green. This would be contrary to policies in the Local Plan which identify the site as part of a Green Wedge which ensures the separation of the two rural settlements.

Countryside Considerations

- 1.3.4 The Secretary of State agreed with the Inspector that the proposal would materially harm the natural beauty of the area, and would conflict with national and local policies for AONB, SLA and ALLI.

Accessibility and Sustainability

- 1.3.5 The site lies immediately adjacent to the settlement boundary. However, Ightham is only a small village with limited facilities. The station at Borough Green is within walking distance but the footway runs beside the busy A227 and A25 and is unlit in part. PPS1 emphasises the importance of sustainable development as the core principle underpinning planning. PPG13 has an objective to reduce the need to travel, especially by car. It advises that in rural areas this can be achieved by focussing most development in or near local service centres. The Inspector considered that although Borough Green offers a range of services and is within walking and cycling distance, the provision of housing on this site is likely to result in increased use of the private car for most journeys, contrary to the objectives of PPS1 and PPG13. The Secretary of State agreed with the Inspector.

Very Special Circumstances

- 1.3.6 The Secretary of State concluded that the proposal would be inappropriate development in the Green Belt, and that very special circumstances, sufficient to clearly outweigh any harm would therefore need to be demonstrated if permission is to be granted. In this case, there is harm by reason of inappropriateness, and also additional harm arising from the reduction to openness of the Green Belt.
- 1.3.7 The appellant submitted that there was a physical advantage of the site having housing on two sides but the Inspector considered that the site extends to some 6.6ha and cannot be considered as in-fill development. She did not consider that residential development here would be more in keeping with the area than a golf driving range. Nor did she consider that weight should be attributed to permission having been previously granted on the site and thus that it should be considered as "brownfield" land where redevelopment is acceptable.
- 1.3.8 There is potential to provide access to the site in the same location on Borough Green Road and no objection has been made on highway grounds to the principle of housing. However, the Inspector did not consider that should be given particular weight as a benefit of the scheme in that it is a necessity of any development that suitable access is provided.

- 1.3.9 The layout indicates land for a school or scout hut or similar use but in the absence of evidence that there is a need for such facilities, their nominal indication on an illustrative layout can be given very little weight.
- 1.3.10 No evidence of a housing need survey was provided and the appeal site is not identified in the LP for housing, affordable or otherwise, nor is it in the existing settlement and local community needs are not known. Whilst the provision of affordable housing, is a material planning consideration, it is clear from SP policy MGB3 that it cannot, on its own, override GB objections and justify development.
- 1.3.11 The Secretary of State agreed with the Inspectors findings that the factors above do not amount to very special circumstances, sufficient to clearly outweigh the harm by reason of inappropriateness, and any other harm, that has been identified in this case.

Duncan Robinson
Chief Solicitor