

---

<b>East Peckham</b> East Peckham And Golden Green	<b>565893 148140</b>	<b>22.08.2005</b>	<b>TM/05/00370/FL</b>
---	----------------------	-------------------	-----------------------

Proposal:	Car turning area involving change of use of small section of land from agricultural to residential (retrospective)
Location:	2 Millstream Cottages 217 Tonbridge Road East Peckham Tonbridge Kent TN12 5JU
Applicant:	Mrs P Pickering

---

**1. Description:**

- 1.1 The application seeks to regularise the use of land outside the lawful domestic curtilage as a parking and turning area for vehicles.
- 1.2 The area has been laid with rough gravel. It measures approx. 130 sq m with the main area being approx. 10m by 10m in size.

**2. The Site:**

- 2.1 The application site is partly within the Little Mill Conservation Area and entirely within the MGB.
- 2.2 The host dwelling is a semi-detached cottage sited to the north of the River Bourne along which lies a Public Footpath. Vehicular access is established via a single lane informal track along the line of this footpath.
- 2.3 To the north east of the cottage is an area of former agricultural land that has been fenced with post and wire fencing and appears to have been taken into the residential curtilage of the application property as there is no separating fence or wall. Although it is not yet cultivated as a 'garden', there is evidence that it is used ancillary to the domestic enjoyment of the dwelling, eg for bonfires.
- 2.4 The current application site includes an area to the front of the property and an area of the former agricultural field referred above.
- 2.5 There is some discrepancy in that a Land Registry search shows that the area of land taken into the residential curtilage appears to be virtually double that formally transferred to the applicant from the farmer. Accordingly, part of the parking/turning area appeared to still be in the legal ownership of the farmer when the application was submitted.
- 2.6 On having been advised of this possible discrepancy, the applicant served notice on the farmer and signed the requisite Certificate B. The applicant's lawyer advises me that she is seeking to resolve this discrepancy and amend the Title document accordingly.

### **3. Planning History:**

- 3.1 04/00042/UNAWKS Authority for Service of Enforcement Notice (currently in abeyance see para 5.3 below) for change of use from agricultural land to residential curtilage.
- 3.2 TM/04/04275/FL Approved 14.03.2005  
Rear extension (retrospective) - part resubmission of planning permission ref TM/03/01749/FL (Detached double garage and retention of existing extension).
- 3.3 TM/03/01749/FL Refused 18.03.2004  
Detached double garage and retention of existing extension.
- 3.4 TM/89/1659FL Approved 29.11.1989  
Two storey rear extension.
- 3.5 TM/86/1425FL Approved 27.11.1986  
Single storey side extension.
- 3.6 TM/81/1045FL Approved 13.11.1981  
Two storey pitched roof extension to side.

### **4. Consultees:**

- 4.1 PC: Original Comment: Objection: the proposal would be a further encroachment into the Green Belt which could set an undesirable precedent for additional similar applications and resubmissions where similar applications have been refused in the past by the LPA.

Comments on revised plan: no objection to the car turning area but do object to the change of use of the land from agricultural to residential.

- 4.2 KCC (Highways): Existing vehicular access shared with MR543, no objection.
- 4.3 WKHMU: No response at the time of writing this report. Any response will be included in a supplementary report.
- 4.4 Ramblers Association: No response at the time of writing this report. Any response will be included in a supplementary report.
- 4.5 Private Reps + Conservation Area Site Notice and Press advert + Art 8 Site Notice: (2/1X/0R/0S): Farmer who sold part of his field to the applicant has no objections to the turning area, subject to LPA permission.

**5. Determining Issues:**

- 5.1 The site is in the MGB and partly within a Conservation Area. The main determining issues are whether the proposals are appropriate in the MGB and whether there is harm to the character and appearance of the Conservation Area.
- 5.2 In terms of the enlargement of the residential curtilage by the incorporation of agricultural land, the applicant's agent was given pre-application advice in September 2002 that it would require planning permission and the Green Belt and Conservation Area constraints were identified. The owner proceeded to carry out the change of use without planning permission in order to facilitate the on-site parking and turning that is proposed to be regularised in this application and also to provide land on which to erect the double garage that was refused under ref TM/03/01749/FL.
- 5.3 At the time of the refusal of the double garage application in March 2004, it was resolved that the unauthorised change of use of the agricultural land to residential curtilage be the subject of an enforcement notice. The Notice was due to be served but this has been held in abeyance as a result of continuing negotiations and pending the determination of this application which seeks retrospective planning permission for a small part of the agricultural land to be used for car parking and turning.
- 5.4 The change of use of agricultural land to residential curtilage is inappropriate development in Green Belt terms (PPG2, KSP policy MGB3 and TMBLP policy P2/16 refer). Whilst there have been instances where planning permission for this type of development has been granted, this is normally on the basis that the site is not visually prominent and also where there are restrictions imposed on the siting of buildings and domestic paraphernalia.
- 5.5 It would appear that the car parking turning area is required so that cars may be more easily driven to the host dwelling and turned on site in order to avoid a long reversing manoeuvre along the bank of the River Bourne (a reverse of some 100m).
- 5.6 The adjoining cottage which is also situated along the same access track has parking and on-site turning as it has a much wider frontage. The application dwelling has a frontage of average width of 10m. A sizeable proportion of the front garden would need to be hard surfaced to allow onsite turning which would harm the appearance and character of the Conservation Area.
- 5.7 It would be an awkward manoeuvre to turn one car around within the pre-existing site frontage and would be virtually impossible if more than one car were parked at the site. I therefore accept that the ability to be able to turn a vehicle into a forward gear in order to drive alongside the River Bourne is desirable from a safety point of view.

- 5.8 On the basis that the area of agricultural land used for this purpose is restricted to the size indicated, I feel that there are particular merits to this case, which persuade me that “very special circumstances” exist such that the change of use for this purpose is acceptable. Any harm caused to the Green Belt would be outweighed by these special circumstances.
- 5.9 The concerns of the PC with regard to undesirable precedent are noted. However, for the reasons outlined above, I do not consider that the particular circumstances of this case are likely to be repeated on many other sites and, in any event, the harm caused to the Green Belt, and any other harm, would need to be assessed on a site-by-site basis.
- 5.10 The access is a PROW but is already used for vehicular access and therefore I do not consider that this application has a material impact on the PROW.
- 5.11 In the event that Members resolve to grant planning permission for the parking/turning area, the previously authorised Enforcement Notice will need to be served with respect to any remaining land on which there is considered to remain an unauthorised change in use (i.e. excluding the small area subject to this application).
- 5.12 Clearly, if Members resolve to refuse planning permission for the parking/turning area, then the previously resolved enforcement action will need to be taken with respect to all of the land on which there is considered to remain an unauthorised change in use.

**6. Recommendation:**

- 6.1 **Grant Planning Permission** as detailed on site location plan date stamped 22.08.2005 subject to the following conditions:

- 1 Within 1 month of the date of this permission, details of boundary enclosure(s) separating the lawful residential curtilage and the parking area hereby approved from the adjoining agricultural land shall be submitted for the approval of the Local Planning Authority. The submitted details shall indicate the position, height, detailed design and the materials to be used in their construction. The boundary enclosures as approved shall be erected within 1 month of approval and shall be so retained thereafter.

Reason: In the interests of the amenities of the Green Belt.

- 2 The area hereby approved as a parking/turning area shall be used for those purposes at all times and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or

any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking/turning area.

Reason: The change of use is justified solely by the need for on-site turning.

Contact: Marion Geary