

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**8 February 2006**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

Site	<b>The Hop Farm Country Park, Beltring, East Peckham</b>
Application	<b>Erection of 64 holiday lets and managers unit with associated walkways and access and parking areas</b>
Applicant	<b>Hop Farm Country Park</b>
Decision	<b>Application allowed and permission granted</b>
Background papers file:	PA/65/04
Contact:	Cliff Cochrane 01732 876038

1.4.1 The Inspector considered the main issues to be:

- whether the proposal accords with the development plan;
- the effect of the proposal on the Green Belt;
- the impact of the proposal on the historic environment;
- whether the development is needed to provide an income stream for the upkeep of the listed buildings;
- tourism;
- sustainable development in rural areas;
- whether there is a need in the area for self-catering tourist accommodation.

1.4.2 The Inspector concluded that the development would be contrary to Policies MGB3 and ENV1 of the Structure Plan as well as Policies P2/16 and P6/12 of the Local Plan. It would be inappropriate in the Metropolitan Green Belt and would have an adverse effect on openness. These factors weighed significantly against granting permission. However, the applicant had put forward a number of material considerations in favour of the development, namely support for a major tourist attraction in the area, the benefit of that to the local economy and a secure future for the listed buildings in the same ownership. The Inspector considered that, whilst the commercial venture might otherwise be left to market forces, in this case it is an essential part of the preservation of the listed buildings in an appropriate and beneficial use and on their original site. He considered that the

continued preservation of the listed buildings would be a very special circumstance in this case, and clearly sufficient to outweigh the harm to the Green Belt. He also considered that this would be a material consideration sufficient to outweigh the policy presumption against development in the countryside. He recommended that permission be granted subject to conditions.

- 1.4.3 The First Secretary of State agreed with the Inspector's recommendation and granted permission subject to conditions.

1.2 Site **Venture Café, London Road, Addington**  
 Appeal **Against refusal of outline permission for the demolition of the existing café, garage and bungalow, the removal of hard-standing and the erection of 4 B1/B8 use buildings with parking**

Appellant **Prime Folio Ltd**

Decision **Appeal dismissed**

Background papers file: PA/26/05

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- 1.2.1 The inspector considered the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, and, if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.
- 1.2.2 The Inspector took into account the additional site coverage by buildings proposed and concluded that the proposal amounts to inappropriate development in the Green Belt.
- 1.2.3 In support of the appeal the appellant argued that the very special circumstances to overcome the presumption against development were:
- the appearance would be identical from London Road to the scheme previously approved and the view to the south east is screened by the railway
  - the amount of land which is either hard paved or built on would not increase significantly and the lorry park at the front would be removed
  - traffic generation from the existing café is probably greater than the expected traffic movements from the proposal.
- 1.2.4 The Inspector took into account that, whilst the landscaping proposals might improve the neighbourliness of the proposal, its existence as a visual screen fails to address the primary concern relating to the inappropriateness of the proposed development and the openness of the Green Belt.
- 1.2.5 The Inspector considered the aspects of the scheme cited as benefits by the appellant in the context of the site specific requirements of LP policy P6/18(a) but his overall conclusion was that none of the considerations constitute very special circumstances which clearly outweigh the harm caused by the inappropriateness of the development in the Green Belt.

- 1.3 Site **Dalesfield, Long Mill Lane, Platt**  
 Appeal **Against the refusal of permission for the construction of a detached double garage and the conversion of an integral garage to living space**  
 Appellant **Mr & Mrs Day**  
 Decision **Appeal dismissed insofar as it relates to the construction of a double garage, but allowed insofar as it relates to the conversion of an integral garage.**  
 Background papers file: PA/31/05 Contact: Cliff Cochrane  
 01732 876038

1.3.1 The Inspector found the absence of built development and the predominance of landscaping within this section of Long Mill Lane to create a pleasant, spacious and sylvan sense of place which enhances the setting of the adjacent conservation area. The garage, though, would be set well forward of the existing dwelling in very close proximity to the road and would disrupt the established pattern of development. Even if the existing landscaping were to remain, the building would be clearly visible through the site access and above the top of the hedge, to such an extent that it would impact markedly on the street scene in views from the east.

1.3.2 The Inspector concluded that the proposed garage would appear incongruous and excessively prominent in the street scene and unduly intrusive when seen from within the conservation area. He was satisfied that the conversion of the integral garage to living accommodation without the replacement of that facility would be acceptable, given the advice concerning the relaxation of parking requirements contained in PPG13 and the availability of uncovered parking space within the appeal property's curtilage.

- 1.4 Site **Plot adjacent to Acres End, Sandy Lane, Snodland**  
 Appeal **Against the refusal of permission for the erection of a bungalow with an integral garage**  
 Appellant **Mr & Mrs Chiddention**  
 Decision **Appeal dismissed**  
 Background papers file: PA/25/05 Contact: Cliff Cochrane  
 01732 876038

1.4.1 The Inspector considered the main issues to be whether the proposal would amount to inappropriate development in the Green Belt, whether there would be any other harm to the Green Belt, the effect of the scheme on the conservation of the countryside and should harm be identified in any of these issues, whether such harm would be clearly outweighed by other considerations which amount to very special circumstances.

1.4.2 The appellants contend that PPG2 embraces the principle of the replacement of buildings in the Green Belt, thus supporting the construction of a dwelling to replace the existing cattery. They further note that permitted development rights would allow for the construction of buildings incidental to the existing house of a greater floor space than is currently proposed. They conclude that the proposal

would not therefore significantly reduce the openness of the Green Belt and would not be inappropriate development.

- 1.4.3 PPG2 refers specifically to the replacement of existing dwellings, which under certain circumstances may be considered appropriate development in the Green Belt. The proposed bungalow does not fall into this or any other category and is therefore by definition inappropriate development in the Green Belt.
- 1.4.4 Replacement of the existing structures by a bungalow with integral garage would result in a significant increase in the height of built development at this location. Given the size and position of the proposed cartilage, it is almost inevitable that the row of coniferous trees along the north boundary would need to be removed to accommodate the building. This would open up the view of the builders yard to the north, causing harm to the outlook from the proposed and existing residential properties and the general rural appearance of the immediate locality.
- 1.4.5 The proposal to improve the vehicular access is likely to result in a requirement to remove trees from the substantial hedgerow on the site boundary. The cumulative impact of these likely changes to the landscape would combine with the introduction of the more substantial building proposed to affect the openness of the Green Belt unacceptably. The Inspector concluded on this issue that the proposal would cause unacceptable harm to the Green Belt.
- 1.4.6 The SP policy reinforces the protection afforded by the Green Belt policy. This resists development in rural Kent outside of villages and small rural towns subject to specified exceptions. The proposal would not qualify as one of the exceptions although the appellants pointed out that the site is close to the built up area of Snodland and adjoining a builders yard. The Inspector concluded on this issue that the proposal would have an unacceptable effect on the conservation of the countryside, contrary to SP policy RS5.
- 1.4.7 The appellants put forward as very special circumstances their belief that the proposal would not significantly reduce the openness of the Green Belt or detract from the character or appearance of the area. The Inspector did not agree with their conclusions. They also considered that the removal of a commercial use and the reduction in traffic likely to result from this are material considerations weighing in favour of the proposal. The Inspector acknowledged that the traffic likely to be generated by the new use would be less than that associated with the cattery. However, he considered that the replacement of a commercial use such as a small cattery by a residential building in the Green Belt does not weigh in favour of the proposal. The inspector concluded that neither of these issues amount to very special circumstances .

## **1.5 Legal Implications**

- 1.5.1 None

**1.6 Financial and Value for Money Considerations**

1.6.1 None

**1.7 Risk Assessment**

1.7.1 Not applicable

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