

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

19 July 2006

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

- 1.1 Sites **Three sites at St Mary's Platt:**
- 1. Land north of Maidstone Road opposite the Brickmaker's Arms Public House;**
 - 2. the existing primary school site south of Maidstone Road; and**
 - 3. the primary school playing field, Grange Road.**

- Appeals **Against the refusal of permission for:**
- 1. replacement primary school site with attached playing field; a replacement Memorial Hall, affordable housing (22 units) and public open space;**
 - 2. redevelopment of existing school by the erection of 12 houses; and**
 - 3. development of the existing school playing field by the erection of 4 houses**

Appellants **The Governor's of Platt CE (Aided) Primary School;
The Rochester Diocesan Board of Education;
Kent County Council; The Rydon Group;
The Trustees of the Platt War Memorial Hall and
Tonbridge and Malling Housing Association.**

Decision **Appeal dismissed**
Background papers file: PA/67/04

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- 1.1.1 The Secretary of State agreed with the Inspector that the main considerations in determining the appeal were
- (a) whether the proposal on site 1 would be inappropriate development in the Green Belt;
 - (b) the effect of the proposals on the character and appearance of the area; and
 - (c) if the proposals would be inappropriate development, whether there are any very special circumstances sufficient to outweigh the harm by reason of

inappropriateness and any other harm which would be caused to the Green Belt.

Green Belt

- 1.1.2 There was no dispute between the parties that the proposed school and the Memorial Hall on site 1 are inappropriate development in the Green Belt. The Secretary of State agreed with the Inspector that the proposed school playing fields and open space would not be inappropriate as they would maintain the openness of the Green Belt.
- 1.1.3 The Secretary of State agreed with the Inspector that the issue of whether the proposed 20 affordable homes are indeed limited depends on whether a clear case has been made to show the need for that number of homes in the local community. She also agrees with Inspector that, in considering whether the proposed affordable homes meet the PPG3 description, it is reasonable to consider the criteria for assessing local community needs set out in Policy P6/7 of the Local Plan. For the reasons given by the Inspector the Secretary of State does not consider that the appellants have clearly demonstrated that the need for affordable housing in St Mary's Platt amounts to 20 units.
- 1.1.4 The Secretary of State agreed with the Inspector that the development plan specifically excludes Green Belt land from its rural exception sites policy, that the plan is in accordance with national policy and that the proposed affordable housing is therefore contrary to the development plan and that it is inappropriate development in the Green Belt. She considered that, overall the proposals for site 1 amount to inappropriate development in the Green Belt.

Effect of the proposals on the character and appearance of the area

- 1.1.5 The Secretary of State has considered each aspect of the Area of Local Landscape Importance designation in turn and agreed with the Inspector that , wherever the affordable housing is located on site 1, it would significantly increase the effect of the proposals on the landscape and would be harmful to the character of the area. She agreed with the Inspector that the proposal would have an urbanising impact and would diminish the rural character of both the land and that part of the village. Whilst she agreed with the Inspector that it is likely that long distance views to the North Downs would be retained either between buildings or above their roofs, she agrees that the views would be diminished if the proposed development were built on the site. In addition to the harm which would be caused by inappropriateness, additional harm would be caused by loss of openness of the Green Belt and harm to the landscape character of the area. She concluded that substantial weight should be attached to the harm the proposal would cause to the Green Belt.

Very Special Circumstances

- 1.1.6 The appellants put forward a number of issues which they considered to be very special circumstances:

Convergence of community interests and sustainable enhancement of community facilities

The Secretary of State accepts that the case for building a new school on site 1 amounts to very special circumstances for that element of the proposals. However, she agreed with the Inspector that whilst a new school with adjoining playing fields is desirable, it is not essential in the very short term. She considered that the case for a new memorial hall on site 1 amounts to very special circumstances for that element of the proposals. In terms of community facilities overall she agreed with the Inspector that, both individually and taken together, the need to replace these facilities are very special circumstances and gave them considerable weight.

Community backing for the Proposals

The Secretary of State agreed with the Inspector that community support for the proposals does not amount to very special circumstances.

An Improvement to the safety of staff and pupils

The Secretary of State considers that this issue does not amount, in itself, to very special circumstances. However, like the Inspector she has taken safety issues into account in considering the weight to be attached to the need for a new school with adjoining playing fields.

The need for affordable housing

The Secretary of State does not consider that the appellants have clearly demonstrated that there is a need for 20 new affordable units in St Mary's Platt; or that the 20 dwellings proposed should all be located on the proposed Green Belt site. She concluded that very special circumstances have not been shown in relation to the proposed affordable homes.

The absence of alternative sites

The Secretary of State agreed that there is no suitable alternative site for the replacement school with adjoining playing fields or for the proposed memorial hall or for the appeal proposals as a whole. She concluded that the appellants have not demonstrated satisfactorily that the proposed 20 units of affordable housing, or a lower figure, could not be satisfactorily provided elsewhere. She did not consider this amounts to very special circumstances in itself or that it contributes

significantly to the appellants' overall argument for the existence of very special circumstances.

The avoidance of more harmful alternatives

The Secretary of State did not consider that the appellants have shown very special circumstances in terms of the advantage of the appeal proposals compared with more harmful alternatives. However, she agreed with the Inspector that though it might be possible to demonstrate that less harm would be caused if the appeal site were to be developed compared to another site this possibility does not add weight to the argument for very special circumstances.

Redevelopment of sites 2 and 3

- 1.1.7 The Secretary of State agreed with the Inspector that sites 2 and 3 are essential to the package. Both sites are within the village boundary and there is no policy objection to housing. The advice in PPG3 is that housing development should seek to be at a density of between 30-50 dwellings per hectare. She agreed that site 2 would be within this. However, 4 dwellings on site 3 would have a very low density and would not be a sustainable form of development. Whilst acknowledging the constraints of the protected trees on site, she was not convinced that a higher density could not be reasonably achieved on site 3. Although not critical to the decision, it weighs against the proposal as a whole.

Green Belt balancing exercise

- 1.1.8 The Secretary of State has weighed the benefits of the proposal against the harm which the development would cause to the Green Belt through inappropriateness and the further harm which would be caused to the openness of the Green Belt and the landscape and character of the village. She agreed with the Inspector and concluded that the benefits neither individually nor collectively outweigh the harm to the Green Belt and other harm identified.

Duncan Robinson

Chief Solicitor