

Stansted **559742 162068** **29.08.2006** **TM/06/02279/FL**
Downs

Proposal: Rebuild barn for use as residential dwelling
Location: Amber Prospect Hatham Green Lane Stansted Sevenoaks
 Kent TN15 7PL
Applicant: Mr J Higgins

1. Description:

- 1.1 Planning permission has previously been granted for the conversion of the barn to a single dwelling (TM/05/00144/FL).
- 1.2 A structural survey was submitted with the application which showed that the building was of a permanent, substantial and sound construction and capable of conversion without major or complete reconstruction.
- 1.3 When work commenced to implement that permission it became apparent that two of the walls had become unstable and needed to be rebuilt. As a result, the roof and two walls have now been removed. It is not clear why circumstances changed between the writing of the structural advice that supported the application and the time when the work actually started.
- 1.4 As a result of the changed circumstances the planning permission **to convert** the barn has effectively been lost. A fresh planning application has been submitted.
- 1.5 The current proposal is to rebuild these walls to allow the barn to be used as a residential dwelling. The appearance of the proposal externally would be identical to the appearance of the approval.

2. The Site:

- 2.1 The site is situated within the MGB and SLA. The building was previously used for ancillary domestic storage to Amber Prospect.

3. Planning History (selected):

- 3.1 TM/05/00144/FL 21.07.2005
Conversion of existing barn to a single dwelling

4. Consultees:

- 4.1 PC: No objections.
- 4.2 Kent Fire & Rescue Services: The access for Fire Service appliances is satisfactory. Can you please make reference or confirm that the access drive will have a minimum carrying capacity of at least 12.5 tonnes.

4.3 KCC (PROW): Public footpath MR218 runs through the site and will be affected by the proposed development. The site plan enclosed with the application does not show the Public Footpath on the correct line. I am concerned that the applicant is either unaware of the legal line of the path, or is seeking to divert the footpath away from the proposed development.

4.4 KCC (Highways): No objection.

4.5 The Ramblers Association: No response.

4.6 Private Reps: 5/0S/0R/0X

5. Determining Issues:

5.1 The principle of the conversion of agricultural and rural buildings is supported by policies HP5 of the KMSP and policies P6/14 and P6/15 of the TMBLP, subject to the building being of permanent, substantial and sound construction without major or complete reconstruction.

5.2 As the roof and two walls of the building have been removed from the building, this would constitute a substantial reconstruction and the proposal is therefore contrary to planning policy for re-use of existing buildings.

5.3 Policies SS2 of the KMSP and Policy P2/16 of the TMBLP seeks to provide long term protection to the Green Belt against inappropriate development. Policy HP5 of KMSP sets out the criteria for appropriate forms of housing development within the countryside, none of which apply to the proposal.

5.4 Therefore, the proposal is a Departure from the policies of the development plan.

5.5 In light of the very particular circumstances of this case, I am of the opinion that the current proposal will not have any greater impact on the Green Belt or surrounding countryside than would the original conversion.

5.6 Issues relating to the PROW and access were dealt with as part of the previous application and have not altered since that time, when they were found to be dealt with acceptably.

5.7 In light of the above considerations I am of the opinion that the proposal is acceptable.

6. Recommendation:

Grant Planning Permission subject to:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act

1990.

2. Within 1 month of the date of this decision, details and samples of materials to be used shall be submitted for the approval of the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details so approved.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. Within 1 month of the date of this decision, details and samples of any joinery to be used have been submitted for the approval of the Local Planning Authority. The development shall be carried out and thereafter be retained in accordance with the details approved.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

5. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

6. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A-H inclusive of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of amenity.

8. Within 1 month of the date of this decision details of a scheme for the storage and screening of refuse has been submitted for the approval of Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details so approved.

Reason: To facilitate the collection of refuse and preserve visual amenity.

Informatives:

1. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The granting of this permission does not purport to convey any legal right to block or impede any public right of way which may cross the application site without the consent of the Borough Services Officer, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ. Tel: 01732 844522.
3. The applicant is advised to consult Kent Fire and Rescue Service with regard to the capacity of the access road to support the Fire Appliance.

Contact: Glenda Egerton