

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

13 September 2007

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **Hextall Cottage, Martins Lane, Peckham Bush**
Appeal **Against the refusal of permission for alterations to the
ground floor and a first floor extension**
Appellant **Mr & Mrs Thompson**
Decision **Appeal dismissed**
Background papers file: PA/23/07

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- 1.1.1 The appeal property is a single storey detached house set in an extensive curtilage and the proposal would retain the existing footprint of the house but effectively convert it into a two-storey dwelling by the addition of a first floor.
- 1.1.2 By increasing the bulk and prominence of a house which has already been substantially extended, the proposed enlargement would, in the Inspector's view, represent a disproportionate addition over and above the size of the original dwelling. According to Government advice contained in Planning Policy Guidance 2 "Green Belts" such a proposal does not fall into any of the categories of development which may be allowed and, by definition, therefore represents an inappropriate form of development in the Green Belt which would in itself be harmful.
- 1.1.3 The Inspector was sympathetic to the appellants' wish to provide a safe and secure home. However, protection of the property may be achieved by means other than enlargement. The Inspector did not consider that the presence of the two nearby houses, irrespective of their sizes, provides any justification to allow the development. In any event such considerations do not amount to very special circumstances sufficient to outweigh the harm which would be caused to the Green Belt in terms of inappropriateness..

1.2 Site **Walnut Tree Farm, Addington Lane, Trottiscliffe**
 Appeal **Against the refusal of permission for the erection of a detached dwelling**
 Appellant **Mr & Mrs Venis**
 Decision **Appeal dismissed**
 Background papers file: PA/15/07 Contact: Cliff Cochrane
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- 1.2.1 The inspector considered there to be two main issues in the appeal. Firstly, whether the proposed development represents inappropriate development in the Green Belt and if it does, whether the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations. Secondly, the effect the proposal would have on the character or appearance of the Trottiscliffe Conservation Area.
- 1.2.2 The greater part of the appeal site is within the Green Belt and outside the confines of the village settlement and a substantial part of the proposed dwelling would be in the Green Belt and outside the confines of the settlement. The appellants' endeavoured to persuade the Inspector that the dwelling would be well within the settlement boundaries. The Inspector however found that the appellants' points could not be reconciled with the proposals map which to his mind shows the position clearly.
- 1.2.3 PPG2 states that there is a general presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances. The construction of buildings for general residential use is not one of the purposes listed, other than in certain clearly defined situations. In the Inspector's view the proposal must be regarded as inappropriate development. The proposal would in his view visibly harm the openness of the Green Belt as well as harm by reason of inappropriateness.
- 1.2.4 The Inspector appreciated that effort had been made to design a dwelling, in terms of elevational treatment and materials, which would be in keeping with existing development in the conservation area. However, in his view, the siting of the proposed dwelling would be at odds with the characteristically linear pattern of development in the vicinity and it would largely shut off Walnut Tree Farm from most of the open land to the rear of it. For these reasons he considered that the house would have an adverse effect on the character and appearance of the conservation area.
- 1.2.5 The whole of the appeal site is in the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area. The Inspector considered that harm to the character and appearance of the conservation area in this edge-of-village location would also entail harm to the AONB and SLA.

- 1.3 Site **Aldon Farmyard, Aldon Lane, Offham**
 Appeal **Against (1) an enforcement notice issued by the Council alleging a breach of planning control namely without planning permission the construction and use of a modular built workshop for use as artists studio and poetry/literature seminar room and (2) the refusal of permission for a modular built workshop private use**
- Appellant **Anthony Crosse**
 Decision **Appeals dismissed, enforcement notice upheld but varied as to the period for compliance**
- Background papers file: PA/18/07 Contact: Cliff Cochrane
01732 876038

1.3.1 The Inspector considered there to be three main issues to be addressed. First, whether the appeal building constitutes inappropriate development in the Green Belt and, if so, whether there are very special circumstances which justify the grant of planning permission in this case. The second is the implications of the development for the character and appearance of the Conservation Area. The third is whether this would be a sustainable form of development, bearing in mind local and national policies concerning development in the countryside.

Issue 1 –The Green Belt

- 1.3.2 The building the subject of the appeals has been erected in the northwest corner of Aldon Farmyard and is used for the holding of poetry and art workshops and seminars and provides additional artists studio space for the appellant. The building also incorporates catering facilities and overnight accommodation solely for visiting tutors.
- 1.3.3 There was no dispute between the main parties that the appeal building constitutes inappropriate development in the Green Belt. The Inspector saw no reason to disagree and on the information before him he considered the building does not fall in any category of appropriate development. Notwithstanding the care exercised in the design of the building, it has also resulted in encroachment of new built development into the existing farmyard that erodes the openness of the Green Belt.
- 1.3.4 The appellant alleges there are other considerations that outweigh the harm to the Green Belt arising from the development. He contends that there are significant cultural benefits for the area and the Borough resulting from the provision of these facilities. The appellant and his partner are well respected in their respective art and literary fields. It is suggested that they are able to attract high calibre visiting writers and artists, and local persons are provided with a unique opportunity to expand their literary and artistic interests and talents. Workshops are held for nurses and other community groups to help develop the concept of “Healing Art”. Programs are arranged for children with learning difficulties, including art classes combined with tours of the working farm. There is considered to be a lack of such facilities within the area. The appellant argues that the development meets a number of the key policies and themes of the Council’s Local Cultural Strategy, its policy of “Fair Access for All” and the Arts Council of England priorities 2006-2008.

The appeal scheme is also supported by various organisations including the Director of the Creative Writing Centre at the University of Kent, past students, and neighbouring residents.

- 1.3.5 The Council contends that there is no overriding justification for these facilities to be provided in a new building in the Green Belt, as opposed to a converted rural building. Moreover, the Council believes that the perceived benefits of the scheme should be considered in the context of the planning history of the adjacent buildings.
- 1.3.6 The Inspector appreciated that from the appellant's point of view it might be desirable to provide such a facility as an adjunct to the Applehouse. However, the fact remains that this is not a land use or category of development for which a rural location in the Green Belt is essential. The appellant emphasises the rural and idyllic setting of the building is an important factor in creating an environment conducive to creative writing. However, the Inspector considered that the aspiration to secure a tranquil or inspirational rural setting for new development in the Green Belt is not uncommon and could be used to justify other cultural, as well as leisure and tourism developments in similar locations. To his mind this was not a factor that weighs heavily in favour of the appeal scheme.
- 1.3.7 The appellant alleged the scheme constitutes farm diversification. However, there was no clear evidence to demonstrate the development forms part of a well conceived farm diversification scheme in the terms envisaged in PPS7. The Inspector considered the perceived benefits of the scheme would not outweigh the overall harm to the Green Belt.
- 1.3.8 In summary the Inspector concluded that none of the considerations put forward, outweigh the harm caused by the inappropriateness of the development in the Green Belt, the loss of openness, and the encroachment of the building into the countryside contrary to one of the purposes for which the land is included in the Green Belt. Consequently, there are no very special circumstances that would justify the grant of permission in this case.

Issue 2 – The Conservation Area

- 1.3.9 The appellant indicated the appeal building occupies a previously overgrown and unused corner of the farmyard that contained two old concrete block diesel and water towers. It is alleged that the building recreates the previously enclosed character of the farmyard, and it is in keeping with the existing buildings and appropriate to its context. The Inspector noted that views of the building from Aldon Lane are limited, particularly when the farmyard gates are closed. Nevertheless, the encroachment of this building into the farmyard has eroded the fundamental distinction in character between the group of buildings to the west and their traditional rural setting. In his opinion, it has adversely changed the balance between the traditional rural uses and other land uses within the Conservation Area. In this respect he concluded that the development fails to preserve or enhance the character or appearance of the Conservation Area.

Issue 3 – Sustainable development

- 1.3.10 Local and national planning policies emphasise the need for new development to be sustainable, and, in particular, they seek to reduce the need to travel by car. The appeal building is used for poetry workshops on 2 weekday mornings for 30 weeks of the year, plus 12 Saturdays; these are attended by a maximum of 12 persons and a visiting tutor. The art workshops take place on 12 weekends and a maximum of 6 persons attend them, plus the appellant as tutor, These involve about 8-9 cars visiting the site, allowing for car sharing. The art workshops can involve up to 6 cars although the appellant suggested there were 4 cars on average. The Inspector considered the traffic movements generated are not insignificant, bearing in mind the comparatively remote rural location of this building and its poor accessibility. The appellant would be willing to introduce a Travel Plan, which amongst other things could encourage car sharing and the use of public transport.
- 1.3.11 The Inspector concluded that in the absence of any convincing evidence to demonstrate that the development would reduce the need to travel, or otherwise reduce reliance on the car as a mode of transport it would be contrary to the objectives of SP policy SP1, which seeks to achieve more sustainable patterns of development within the County.
- 1.3.12 At the hearing it was confirmed that bookings have been taken until the end of December 2007. The Inspector considered it would be reasonable to allow the appellant adequate time to fulfil the existing commitments, thereby minimising the disruption to the workshops, plus a further period for the removal of the building and he varied the compliance period to 9 months.

Background papers:

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Nil

Duncan Robinson

Chief Solicitor