

**Shipbourne**                      **558409 150862**    **31 July 2008**                      **TM/08/02367/FL**  
Borough Green And  
Long Mill

Proposal:                      Change of use and conversion of redundant agricultural buildings to holiday let use and car port (resubmission of planning application TM/06/03861/FL)  
Location:                      Land At Tinley Lodge Farm Hildenborough Road Shipbourne  
Tonbridge Kent  
Applicant:                      Insite Developments Ltd

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**1. Description:**

1.1 This is a resubmission following the refusal of an earlier application at the October 2007 meeting following a Members' site inspection held on the 23 August 2007.

1.2 Planning permission was refused for the following reason:

*The Council considers that there is doubt as to the practicality of the conversion of the building for holiday let use in that it may involve major reconstruction, contrary to PPG2 (Green Belts); Policies SS2, SS8 and HP5 of the Kent and Medway Structure Plan 2006, Saved Policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998 and Policies CP3 and CP14 of the Tonbridge and Malling Core Strategy 2007.*

1.3 The applicant lodged an appeal against the refusal and a hearing is due to be held on 3 December 2008. As part of the appeal process, an additional structural appraisal was submitted as well as a letter assessing the proposal under Building Regulations from a Principal Building Control Officer at Stroud District Council. This resubmitted application includes that additional structural information and the independent Building Regulations assessment that was not available to Members when they made their determination of the application last year. It is understood that the appeal will be withdrawn if this resubmitted application is approved.

1.4 Since the application was originally resubmitted, further clarification has been provided in the form of a report on ground investigation and an email in response to some objections/concerns raised by consultees. Further revisions have been carried out to the scheme, essentially in relation to the northern flank wall and to detail how the openings on the east elevation are proposed to be treated.

1.5 The proposal is for the change of use and conversion of vacant agricultural buildings to form a holiday let dwelling with car port at Tinley Lodge Farm. It is proposed to convert the disused storage building to form a three bedroomed, fully self-contained holiday let dwelling. The third bedroom and an en-suite bathroom will be at first floor level on an existing mezzanine.

- 1.6 The new application includes two Structural Appraisals (the previous one from Bedfords and a new one from Hockley and Dawson) and the independent Building Regulations assessment and a report on ground investigation detailing the foundations. As before, the site location plan incorporates land to the rear of the proposed carport as an amenity area. The open sided barn is to be reduced in size to form a double car port.
- 1.7 Proposed works to the main agricultural storage building are summarised as follows:
- The existing metal sheeted timber roof be replaced with artificial slate to new timber battens over insulation sheets using existing trusses (one to be relocated) and purlins with additional rafters. The addition of the insulation sheets will increase the roof height by 150mm.
  - 2 new steel purlins and a new steel ridge beam will be installed to allow opening up of headroom to the first floor accommodation.
  - The concrete block elevations will be timber clad with traditional weather boarding above a rendered plinth. This includes infilling with new blockwork and weatherboarding across some doors to be deleted from the east elevation.
  - The rudimentary timber frame of the north wall to be strengthened with additional timbers - treated internally with insulation and then plasterboarded and treated externally with fire-resistant lining boards and corrugated metal sheets retained as existing.
  - Windows to be painted softwood and double glazed.
  - Doors to be boarded ledged and braced.
  - Chemical DPC to existing walls.
  - Insulation plasterboard to new timber studwork to internal walls.
  - New plasterboarded timber studwork internal walls.
  - Existing steel beams loaded onto existing external and internal walls will support the mezzanine, one supported on a new steel post.
  - Excavation of part of the concrete floor to allow new concrete slab at a lower level and inclusion of a damp proof membrane and then plywood over timber bearers. The change in levels is to align internal levels as far as possible.
  - Replacement timber floor to first floor mezzanine.

- Replacement rainwater goods.
- Additional diagonal roof bracing to the left hand end bay.

1.8 Works to the open sided barn include:

- Removing corrugated cement sheeting and re-roofing with artificial slate.
- Partly demolishing the northern end and rebuilding the northern flank in blockwork.
- Timber cladding to brick elevations.
- Front canopy projection of the existing roof to measure 0.8m by 6.5m.

1.9 The works to the carport will reduce the footprint from 40.5 sq m to 33 sq m.

1.10 As before, vehicular access will remain as existing onto Hildenborough Road via Coldharbour Lane. The concrete surfacing to the rear of the agricultural storage building will be altered to form a gravelled access and turning area to the proposed two bay carport.

## **2. The Site:**

2.1 Tinley Lodge Farm lies south-west of Shipbourne. The application site comprises a disused agricultural storage building, fronting onto Coldharbour Lane and an open sided brick barn to the rear.

2.2 As stated above, access to the site is from Hildenborough Road via Coldharbour Lane (private lane at this point). Six rural/residential dwellings are located on this part of Coldharbour Lane, with three existing residential properties clustered in the immediate vicinity of the application site.

2.3 The application site is located within the Metropolitan Green Belt.

2.4 The SLA designation which existed under the Tonbridge and Malling Borough Local Plan 1998 has not been carried over to the Tonbridge and Malling Borough Core Strategy 2007 and is, therefore, no longer applicable.

## **3. Planning History (selected):**

3.1

TM/06/03861/FL

Refuse

1 November 2007

Appeal Lodged

Change of use and conversion of redundant agricultural buildings to holiday let use and car port

**4. Consultees:**

- 4.1 PC: Objection. Loss of residential amenity and inclusion of agricultural land and the buildings are not capable of conversion without major changes to the structure of the building.
- 4.2 KCC (Highways): No objection.
- 4.3 KCC PROW: No objection, informative recommended. Public footpath MT17a and Public Bridleway MT49 run through the site of this development and may be affected by the application.
- 4.4 In order for access to be gained to the site, vehicles will have to travel over Public Footpath MT17a and Public Bridleway MT49. The applicant should be made aware that the County Council has a controlling interest in ensuring that MT17a and MT49 are maintained to a level suitable for their public users. Any maintenance to the higher level required for vehicle access would be the responsibility of the landowner.
- 4.5 It is important to advise the applicant that the Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width of the path at any time. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.
- 4.6 A warning sign to alert drivers to the bridleway use by horses is recommended.
- 4.7 DL: No comments.
- 4.8 DHH: Contaminated land: The submitted detail is a desk study report prepared by Soil Limited. The report identifies one possible pollutant linkage between source-pathway-receptor. The report is fit for the purpose of determining the planning application. So, I advise the imposition of a three stage land contamination condition (see PPS23 para 2.63) aiming to:
1. Provide for further investigation and characterisation of the site to confirm the nature and extent of contamination and validate the conceptual model and allow more refined risk assessment and appraisal of remedial options;
  2. To propose and receive approval for a remediation scheme that ensures the removal of unacceptable risks to make the site suitable to use; and
  3. To submit and receive approval for a validation report that demonstrates the effectiveness of the remediation carried out.
- 4.8.1 Waste Management Services: Tonbridge & Malling Borough Council operates a wheeled bin, boundary of property refuse collection service. Where there are shared private drives, bins should ideally be placed at the nearest point to the public highway on the private drive on the relevant collection day.

4.8.2 Environmental Protection: more detail on drainage is required.

4.8.3 Housing: As holiday let, a contribution towards affordable housing is not sought.

4.9 KCC Fire & Rescue: No response.

4.10 KCC County Councillor for Malling West Division: Object - Contrary to Borough and County policies.

4.11 Private reps: ( 22/0X/19R/0S) + Article 8 Site Notice

- Will involve major reconstruction contrary to PPG2 (Green Belts); Policies SS2, SS8 and HP5 of the Kent and Medway Structure Plan 2006, Saved Policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998 and Policies CP3 and CP14 of the Tonbridge and Malling Core Strategy 2007.
- The Skeffords report's conclusions still stand.
- As with TM/06/03861/FL which was refused, any such development is inappropriate in this location and conflicts with a number of planning policies. The site lies within the Metropolitan Green Belt, a Special Landscape Area and close by to an Area of Outstanding Natural Beauty.
- These buildings and their site cannot be converted without contravening planning policy including many aspects of LDF Saved Policies P6/14 and P6/15. TMBC's own recent and strong LPA Statement to the Planning Inspectorate, following appeal of the previous decision, clearly says that many such conversions *do indeed require major work despite assurances given at the time of application*.
- Whilst this new application relies for support on much old material that has already been dismissed by refusal, there is now a mass of additional documentation. It is clear from the new and detailed architect's drawings and the report by Hockley and Dawson that *major* reconstruction works *are* required to convert, detailing just how much work is necessary and in many places contradicts the simplistic opinions of the Bedford Partnership structural survey that has been resubmitted by the applicant: A complete new roof above the old ridge height and to be supported at the first floor by 3 large 203x133mm steel beams and new structural stud walls, it is likely that the present simple trusses 'to be retained and moved' will be replaced anyway.
- The two northern elevations of the main building currently have no walls just an open bay and some simple corrugated iron sheet doors. It is proposed to replace the opening and the sheet doors with new solid block and brick walls complete with new foundations.

- It is proposed to build in a staircase – where there is none now – to gain access to the restricted roofspace and insert a proper structural floor. The floor slabs in half of the building must be replaced, following excavation, presumably to ease the lack of headroom. New suspended timber floors will then be added on top of the new floor slabs.
- Because of the lack of foundations, it is proposed to excavate and build three external foundation walls to retain the buildings at the south-west and northern corners. This is to deal with subsidence from the heavy London Clay.
- The existing doors are to be replaced and some altered and sealed. New windows will replace the steel units and some will be repositioned. Three new windows are being added.
- Insulation board applied to the walls and in the new roof and floors will make the already small rooms significantly smaller. The ground floor layouts must be accessible to wheelchair users plus the cramped first floor presents a scheme that seems very tight.
- The latest proposal to demolish a third of the smaller ‘garage building’ – which in reality is only a rough feed shelter – build a new end wall and re-roof it. This again shows that *major* work is necessary to use this structure. The shelter’s support posts ‘will require investigation’. This is therefore not a conversion – it is a rebuild. The structure is unsuitable for the proposed use without reconstruction. It is damaged by subsidence from a nearby oak tree.
- The application seeks to radically alter the visual aspect and form of both of the buildings and the site itself. The garden will be minute. Concrete/plastic slate is out of keeping and is *not* replacement with ‘traditional vernacular materials’. Nor is over-cladding the concrete block walls with ‘traditional weather boarding’. This will incorrectly simulate a building of a form from hundreds of years earlier. This false appearance of the roof and walls will seriously alter its aspect and would contravene LDF Saved Policy Planning Policy P6/14.3.
- The current ‘courtyard area’ is an area of raised concrete blocks originally built up to allow the high-level loading of cattle onto a lorry. Any ‘courtyard area’ will have to be created and will involve serious demolition and will radically alter the appearance of the setting.
- There is proposed creation of a domestic garden area from agricultural land outside of the original site. This acquisition of green-belt land for domestic use was introduced just days before last October’s Planning Committee meeting to instantly address Members’ concerns that the site was too small. Members robustly resisted this late addition and rejected the idea at that committee meeting. The proposed site area has increased by some 40% and that the

building of the formal entrance walls and boundary hedges will radically change the openness of the site by creating a separate enclosed residential dwelling.

- The proposed conversion is close to a number of residential properties which do not currently experience any tourist traffic. Use of the site and traffic will result in noise and a loss of privacy. There will be domestic paraphernalia where there is none now and any night time lighting will harm the character and quality of the local environment. It would seriously affect our residential and rural amenity and that of the many walkers and riders who value the quiet enjoyment of this area. Conversion to a holiday let and the shared use of the Bridle Way and Footpaths by visiting vehicles will have an adverse impact on this and the rural character of the area.
- The statement that '*all agricultural plant and machinery will utilise the other existing access south of the larger barn buildings etc*' is completely untrue. The applicant is a property development company allied to the Fairlawne Estate which is a major contract farming enterprise. The current site access is and will be constantly used by working farm and shoot vehicles. Additionally, farm implements, equipment and timber are stored immediately adjacent to the site. As before, the application fails to mention that the applicant does not control much adjoining land. Our own farm contractors and those of our immediate neighbours will run farm vehicles past the site along the same right of way at all times of the year. 'Potential conflict' with large tractors and implements cannot and will not be removed. Visitors will also be confined 'on-site' unless they walk or drive out by car.
- The previous application determined that the site cannot be accessed by TMBC refuse vehicles and the applicant eventually proposed 'private arrangements enforced by condition'. This is a significant point as access by the council for regular refuse and recyclable material removal is normal and desirable. Private removal by small van or car cannot be enforced and could lapse if the site is subsequently sold. In any case, as the applicant is a business, waste transfer and disposal must be properly administered – it would not be good enough to arrange informal clearance. Particularly with holiday use, there may be unpleasant health risks if food waste is allowed to accumulate.
- The erroneous distances quoted to Shipbourne and Tonbridge could indicate that the property is within easy walking distance of local amenities. All journeys would need to be by car. Public transport is very limited and not within walking distance. The pub is over a mile away, and a difficult walk. There are no lambs or calves to see, no rural on-farm activities, no grassy fields for children to play in, no resident farming family or local shops – just a mechanised cereal

farming operation and an adjoining pheasant shoot. Dogs will not be allowed and the buildings and surrounding site will be largely inaccessible by and unsuitable for wheelchair users.

- The existing holiday property nearby does not bear comparison. That property has historic permission to use chauffeurs accommodation to the rear of an existing garage. It is small, off the Bridle Way and relies heavily on the owner who lives on-site. It also shares an already established garden. It is not a reuse of an unsuitable agricultural building as in this case.
- No electricity re-supply is possible as the overhead line is at capacity. There is no water connected and no foul or rainwater drainage. Again, major works would be necessary to include these basic utilities. Visitors would have to rely on mobile telephones and they would of course have no help on or near the site in case of problems, accident or illness. As well as a refuse collection, the applicant would have to set up vehicular collection and delivery of laundry, provisions and cleaning and maintenance services. The proposed oil boiler could not be refilled from site for the same access reasons as the refuse collection.
- Inaccuracy makes it unclear which access and egress routes are proposed for traffic and farm vehicles. The site can only be accessed by valid right of way over a private drive, originally granted for agricultural purposes and some 1/2 mile from the public highway. It shares two footpaths and a bridle way. Those who live here are aware of this and drive appropriately; visitors will not have this knowledge. They will use the single track farm access but only to 'pass and repass' – they cannot stop on the right of way, on the bridle path or even outside the building.
- Visitors and trade vehicles attempting to access the site from the south using satellite navigation will be directed up Coldharbour Lane from Hildenborough which terminates in a hamlet and a dead-end less than 1/2 mile from the buildings. This will seriously inconvenience those residents at Coldharbour and will exacerbate a problem of safety and security that exists there. Holiday visitors will make the ability to challenge strangers impractical.
- National and local policies that cover conversion and re-use of agricultural buildings are designed to support rural diversification and the viability of farming businesses. It is not a family farm seeking to diversify into tourism for obvious reasons of survival as in CP14. Apart from the inability to convert within the Saved Policies, any grant of permission would not benefit the local economy or provide jobs or assist a local farming family.
- The applicant company has not experience of running holiday lets.



- The applicant has removed the existing asbestos ceiling covering and other boarding.
- There is a significant and mature oak tree *immediately* adjacent to the boundary where it is proposed to demolish part of the feed shed ('garage') structure.
- The submitted site plan is misleading with regard to the proximity to 'The Barn'.
- The farm track from Coldharbour through to Tinley Lodge is a quiet and safe place for horse riding and for children and dogs to run. This tranquillity and safety could be spoilt by an increase in traffic that a holiday accommodation would undoubtedly create. I disagree that the buildings are redundant, there has always been collection of farm machinery housed within them.
- Agricultural farm buildings that are currently not in use are being considered as potentially suitable for conversion into domestic use, under the guise of holiday homes, and with the current house prices in this area, it is an extremely profitable undertaking to obtain planning permission on the grounds that a conversion into a holiday let would be acceptable. It seems obvious that further applications to demolish part or all of the structure that is agricultural in its nature and construction would be required, followed by rebuilding plans resulting in the loss of an ancient agricultural building and the imposition by default of a modern domestic dwelling in its place. Changes to farming methods in the future could require these barns and buildings. Holidaymakers may have no consideration of the nearby neighbours.

## **5. Determining Issues:**

- 5.1 The site is located within the Metropolitan Green Belt where there is a presumption against inappropriate development and development should not harm the visual amenities and openness of the Green Belt.
- 5.2 It is national policy that the conversion of rural buildings for tourist accommodation is acceptable in principle. This approach is carried forward in strategic and local plan policy. Therefore, the key issues relating to the proposal are whether the proposed change of use/rural building conversion is acceptable under the relevant tiers of planning policy, and whether the proposal will be detrimental to the amenities/character of the area having regard specifically to visual impact, noise, and privacy, traffic and effects on wildlife and site contamination plus a consideration of environmental sustainability.
- 5.3 With regard to development within the MGB, PPG 2 sets out a general presumption against inappropriate development, which by definition is harmful to the MGB. PPG 2 also states that with suitable safeguards, the reuse of buildings should not prejudice the openness of the MGB, since the buildings are already

there. It goes on to state (paragraph 3.8) that the reuse of buildings is not inappropriate if:

- it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt;
- the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- the form, bulk and general design of the buildings are in keeping with their surroundings.

5.4 Policy SS2 of the KMSP 2006 identifies a general presumption against inappropriate development in the Green Belt; this is taken forward by Policy CP3 of the TMBCS.

5.5 PPS 7: Sustainable Development in Rural Areas stipulates that Local Planning Authorities should support the provision of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives.

5.6 On the basis that a holiday let, albeit a dwelling, is a commercial use, Policy SS8(ii) of the KMSP 2006 specifies that non-residential development in rural Kent other than at rural settlements should be the re-use, adaption or redevelopment of an existing rural building or institution, where the change is acceptable on environmental, traffic and other planning grounds. Policy HP5 relating to new dwellings in the countryside premises in favour of rural conversions subject to a location convenient for rural services.

5.7 Policy EP7 of the KMSP 2006 states that there shall be no provision for business development outside of areas adjoining the built up area of Rural Service Centres or larger villages, in rural Kent except where:

- It involves the re-use, adaption or development of an existing building, as covered by SS8(ii)... and good access can be provided to the primary road network and bus or rail services.

5.8 All development supported within the terms of policy EP7 should have no unacceptably adverse impact on the local transport network, the environment or the Green Belt and will be subject to the restriction of subsequent expansion if in conflict with the policies of this plan.

5.9 PPG 21: Tourism, states that in rural areas, the needs of visitors is essential for both the local and the national economy, but it must respond sensitively to the local environment, demonstrate high standards of design and be appropriate in scale and location so that the environmental impact and associated visitor management problems are minimised.

- 5.10 Policy EP10 of KMSp is a general policy on Sustainable Tourism Development, while Policy EP12(d) of the KMSp 2006 more specifically relates to tourist accommodation and sets out that the conversion or extension of existing buildings to provide small hotels, bed and breakfast or self catering accommodation will be permitted provided this causes no harm to the local environment. In addition to this policy, the KMSp provides some further guidance with regard to tourism developments in rural areas: There is a presumption against development in the countryside, particularly when this is at a distance from settlements. Small-scale, high quality development for tourism or recreation that contributes to the diversification of a farm may, however, be acceptable under the terms of Policy EP8.
- 5.11 Policy EP8 generally seeks to support farm diversification which secures the viability of a farm will be permitted where the traffic and environmental impacts are acceptable.
- 5.12 Saved policies in TMBLP support proposals for the reuse of existing rural buildings for commercial, industrial, recreation or tourist development. In particular, policy P6/14 says development will be permitted where the building is of a form, bulk and general design which is in keeping with its surroundings; the building is of permanent, substantial and sound construction and capable of conversion without major or complete reconstruction; any alterations proposed as part of the conversion are in keeping with the rural character of the building in terms of detailed design and materials; the proposed use is acceptable in terms of residential and rural amenity, highway impacts and the use of land surrounding the buildings, and can be accommodated without requiring the erection of ancillary buildings; no adverse impact on the rural character or appearance of the area, both locally and in wider views, particularly within areas of identified landscape importance, and any landscaping scheme for the site is appropriate to a rural location.
- 5.13 Policies CP1 and CP24 of the TMBCS take forward national policies and outline the need for sustainable development and the need to respect rural character and amenities.
- 5.14 In the light of the previous decision on this site under ref TM/06/03861/FL, I remain of the opinion that the development accords with policies with regard to amenity, privacy, highway safety and rural character. Other matters raised, e.g. drainage and connection to electricity and other infrastructure, are not relevant land use planning matters in this case.
- 5.15 In terms of environmental sustainability, the proposal makes use of a long established farm building for a use which by its nature warrants a rural location and it is the case that these are rarely well served by public transport or other rural services.

- 5.16 The proposal does not result in an increase in built form on the site and therefore will not have a materially greater impact on the openness and amenities of the Green Belt with the exception of the extra agricultural land shown to be used as garden. A separate grassed and hedged area providing an outdoor amenity area behind the carport building is still identified. It is the case that this is an encroachment of the proposed holiday let use onto agricultural land. It is understood that the extra garden area was proposed by the applicant in response to their interpretation of Members' concerns about lack of amenity space. I am of the view that only land to accommodate the wastewater treatment is justified as extra amenity area. It is my view that the area between the proposed holiday let and the car port will be adequate to also serve as a sitting out area. The applicant has indicated that they are prepared to make such an amendment if Members are minded to permit the principle of the conversion application.
- 5.17 Based upon the reason for refusal of TM/06/03861/FL, the remaining issue which needs re-consideration by Members is the structural integrity of the application buildings and their suitability for conversion.
- 5.18 With regard to the issue of internal levels/heights and the section through the building, Members are reminded that the only ceiling height requirement under Building Regulations is above a staircase where 2 metres is required. Given that Building Regulations do not control the floor to ceiling height in a bedroom and ensuite, and that a reasonable area of 'headroom' is provided, I remain of the view that the proposed building is capable of the layout proposed in a manner that accords with planning policies. It is understood that there is no requirement for wheelchair access inside the proposed accommodation.
- 5.19 The applicant's Structural Appraisal has recommended the removal of the northern bay of the open fronted barn due to structural damage from a tree, showing the reduction to a two bay building. I consider that the removal of the unsound bay does not significantly alter the overall appearance or function of the building and, viewed overall, the building is not being reconstructed as a carport to such a degree such that is contrary to Green Belt protection policies to warrant refusal.
- 5.20 I am aware that the previous application TM/06/03861/FL did not convince Members as to the practicality of the conversion of the building for holiday let without major reconstruction. Members will note the continued concerns expressed by the objectors, who do not consider that the existing buildings are of permanent and substantial construction.
- 5.21 The applicant remains of the view that the basic structure is capable of being converted without the need for extensive alteration, rebuilding or reconstruction. Their assessment has been endorsed by Council Engineers and Building Inspectors who have made an assessment of the building and reviewed the new Structural and foundations reports provided, since the lodging of the appeal including material submitted, for the first time, in support of the appeal.

- 5.22 Conversions will tend to involve a degree of additional structural fabric to meet Building Regulations and to facilitate the change of use that is proposed – e.g. insulation needs to be added, openings need to be altered, fenestration needs to change depending upon the rooms being served and open fronted bays may need to be enclosed. This is a normal requirement in the vast majority of conversions of rural buildings. In my view, the alterations proposed are reasonably commensurate with the building overall and sufficiently in-character.
- 5.23 The resubmitted application includes a previous report commissioned by the applicant that concluded that the roof, enclosing walls and floor of the main building appeared to be in a sound and satisfactory structural condition and would require very little additional repair or strengthening work. However, the new report by Hockley and Dawson now details that the northern wall has a rudimentary timber framework and it is proposed that additional timbers be added to provide extra strength. In my view, the additional strengthening to that wall is not itself a major or complete reconstruction of the wall.
- 5.24 Insulation will need to be incorporated into the walls, floor and roof. That is an extremely common requirement where buildings are being converted in order to meet energy efficiency requirements but I would advise that the addition of insulation sheets does not amount to reconstruction in my view.
- 5.25 I would advise Members that there is no quantification of what level of additional structural fabric to a building takes it into the realm of being “major reconstruction”. The amount of change to the structure of a building as a conversion to comply with relevant planning policy is therefore subjective.
- 5.26 There is no dispute that there is some additional building and some reconstruction elements included in this proposed conversion. However, it is necessary to form a judgement on whether the degree of alterations constitutes “major reconstruction”. In the overall context of the resubmitted application, the amount of proposed structural alteration to the buildings would not be “major” and hence not of a level to conflict with planning policy to warrant refusal, in my opinion. It must also be remembered that all of the internal works, including any strengthening, may take place without the need for this Council’s approval, at any time.
- 5.27 In the light of the additional structural reports and clarification on a number of matters that were previously not specified, I am of the view that the previous doubts over the convertibility of the building no longer apply. Accordingly, this revised application is worthy of support.

## **6. Recommendation**

- 6.1 **Grant Planning Permission** as detailed by JC/LL/6701 dated 31.07.2008, Site Plan DHA/5639/0B B dated 31.07.2008, Site Layout DHA/5639/02 dated 31.07.2008, Drawing DHA/5639/03 dated 31.07.2008, Elevations DHA/5639/04 dated 31.07.2008, Site Plan 991.110 P1 dated 31.07.2008, Floor Plan 991.111

P1 dated 31.07.2008, Elevations 991.112 P1 dated 31.07.2008, Section 991.113  
P1 dated 31.07.2008, Section 991.114 P1 dated 31.07.2008, Section 991.115 P1  
dated 31.07.2008, Drawing DHA/5639/07 A dated 31.07.2008, Structural Survey  
dated 31.07.2008, Letter STROUD DC dated 31.07.2008, Survey ECOLOGICAL  
dated 31.07.2008, Survey SOIL dated 31.07.2008, Other K3 FLOORBOARD  
dated 31.07.2008, Design and Access Statement dated 31.07.2008, Planning  
Statement dated 31.07.2008, subject to:

- Submission of a revised site plan to minimise the change of use of agricultural land to holiday let use, approval to be delegated to the Director of Planning, Transportation and Leisure.

- the following conditions:

- 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 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of the variation on amenity and parking and vehicle circulation in the interests of safe and free flow of traffic.

- 4 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

- (c) No materials or equipment shall be stored within the spread of the branches of the trees.
- (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
- (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority. (L005)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate. (L003)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 6 The premises shall be used for tourist/holiday accommodation (for a maximum letting period of 28 days) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In accordance with planning policy and the application as submitted.

- 7 No development shall be commenced until:
- (a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 8 There shall be no external lighting or illumination of the site except in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of the amenity of the area and to prevent nuisance to neighbours.

- 9 Prior to occupation of the building, the applicant shall submit to the Local Planning Authority for approval, details of the removal and disposal of refuse from the site and the development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and public safety.

- 10 Any doors on the eastern elevation of the main accommodation building, as identified on the plans, shall not provide access to the building and shall be non-opening. Access to the building shall only be obtained by the access points on the western elevation.



Reason: In the interests of amenity and safety.

- 11 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, B, C, D, E, G, H of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order that the Local Planning Authority may exercise control over any such development in the interests of rural and residential amenity.

- 12 The conversion hereby approved shall be carried out in strict accordance with the submitted plans and specification of works.

Reason: To ensure compliance with saved policy P6/15 of the Tonbridge and Malling Borough Local Plan.

### **Informatives**

- 1 Should any bats be found at any stage during the works, all work must stop immediately and advice be sought from Natural England. All personnel working on site must be made aware of this advice and be provided with Natural England's telephone number.
- 2 This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Contact: Marion Geary